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## Harvard College Library



### FROM THE BRIGHT LEGACY

One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT

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HENRY BRIGHT, JR.,

who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.



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AN  
ACCOUNT  
OF  
THE MOST IMPORTANT  
**PUBLIC RECORDS**  
OF  
**Great Britain,**  
AND  
THE PUBLICATIONS  
OF  
**THE RECORD COMMISSIONERS,**  
TOGETHER WITH  
OTHER MISCELLANEOUS, HISTORICAL, AND  
ANTIQUARIAN INFORMATION.

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COMPILED FROM VARIOUS PRINTED BOOKS AND MANUSCRIPTS.

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By C. P. COOPER, Esq.

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VOL. I.

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LONDON:  
BALDWIN AND CRADOCK.  
1832

~~Brit. Mus. 89~~

Br 58.39

JUN 22 1939

Right hand.  
(I, 200)



LONDON :  
C. ROWORTH AND SONS, BELL YARD,  
TEMPLE BAR.

" 'Tis from these Records, then, that we are to derive the surest accounts of the conduct of our Princes, and the manner of their government; 'tis by these we see how the Prerogative was exercised in wise and good, or abused and stretched in weak and bad reigns; 'tis by going regularly through these, then, that we shall be enabled to clear up the rights and privileges of the subject,—to discover what encroachments have been made from time to time upon them in any instance,—and by what steps, or under what pretences, this hath been done,—and to trace up to the beginning the various changes, that have happened in our Courts of Judicature—in our maxims of Law—in our methods, or forms, of Justice—and in received usages and practices, which served once for barriers to our liberties."—*Carte, Collection of Papers in relation to his History of England*, p. 37.

" Ces Archives entassées, que le cours des âges rendra de plus en plus inlisibles, sont les débris de notre ancienne histoire. Il faut donc se hâter de ranimer cette poussière avant qu'elle ne périclite."

" L'homme instruit dans la science de nos chartes et de nos manuscrits est sans doute bien inférieur à l'historien, mais il marche à ses côtés, il lui sert d'intermédiaire avec les tems anciens, et il met à sa disposition les matériaux échappés à la ruine des siècles."

" Que ces utiles secours manquent à l'homme appelé par son génie à écrire l'histoire, une partie de sa vie se consumera dans des études toujours pénibles et souvent stériles."—*Rapport de M. Siméon, Ministre Secrétaire d'État au département de l'Intérieur, sur le Projet de l'École des Chartes—Février, 1821.*

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## PREFACE.



It was the intention of the Compiler to prefix to the ensuing sheets a statement of the various facts and circumstances connected with the Public Records, under the different heads of "Access," "Calendars," "Transcripts," "Security," "Employment of Clerks," &c., which are scattered through the numerous and unwieldy volumes, both printed and manuscript, that owe their birth to the Parliamentary Inquiries, instituted during the last century, into the state of the Archives of the Kingdom. The utility of such a statement is evident; and it is probable that it would prove not less instructive than useful, as it would show that abuses are as inveterate in the subordinate, as in the superior, departments of the Government, and, when concealed from the public eye, are often propagated and increased by the very measures, that were designed for their diminution, or destruction. Every passage of the Report of 1800 exhibits evils, to which the lapse of thirty years has only served to give a more luxuriant and a more vigorous growth; and even the ancient Reports of 1719 and 1732 indicate many corrupt practices, that still exist, in despite of "Recommendations"

and "Orders" made and reiterated by Committees and by Boards, and with which, notwithstanding the long-continued efforts of their predecessors, the present Commissioners on the Public Records are compelled now to grapple.

Some progress had been made in this statement, when the Compiler found that it would swell the present volume to a most inconvenient size; and he has therefore determined to reserve it for a separate work, which will be exclusively devoted to the important branch of the labours of the Record Board comprehended by the foregoing titles. This work he does not altogether despair of being able to complete in the course of the next long vacation, the only period during which his professional avocations afford him the leisure requisite for such an undertaking. In the mean time, should the reader have entertained the hope, that the present work would embrace a more general view of the proceedings of the Record Board, he is entreated to accept the assurance, that if the following pages are silent respecting the abuses in question, it is not, at least, because they are less known than those, which are there exposed to his observation.

The Compiler cannot, however, permit these volumes to appear unaccompanied by the declaration, that his enlarged acquaintance with the state of the Public Records has produced no change in the opinions, which he ventured to express before his reluctant acceptance of the troublesome and



most unprofitable office, that he now holds, had brought within his reach a mass of unpublished materials, until then unexplored and inaccessible. His conviction has for many years been, and it still is,—that the genuine materials for the History of this Country lie buried in the sepulchral vaults and chambers of the Tower, the Chapter House, the Pipe Office, and the Rolls Chapel—that the dark cloud, that has so long rested upon those repositories, conceals the origin and early progress of our judicial institutions and our Parliament—and that the most esteemed general and local histories, that we possess, abound with numberless and the grossest errors, and as little resemble the truth, as the pleasing, but fanciful, theories of Montesquieu, Blackstone and Delolme represent our actual constitution.

The Compiler, too, cannot refrain from hazarding a few very brief remarks upon the course, which it appears expedient, that the existing Commissioners on the Public Records should pursue with reference to the two grand objects of their work, premising only that such remarks must be considered as those of an individual writer, and entirely void of official authority, or sanction.

The two great objects, without the attainment of which, the labour of the Commissioners must be unprofitable and useless, are—I. More ready access to the Records. II. Preservation of their contents, by means of the press, or transcription.

I. *More ready access to the Records.* That the

mouldering obscurity, in which the most precious archives of the kingdom have so long reposed, has not been favourable to their preservation, is obvious from a comparison of the present contents of the principal offices with the numerous Calendars framed during the course of the 16th and 17th centuries. Many thousands have decayed and perished in the catacombs in which they were entombed, and no inconsiderable number have been purloined. Early measures then should be taken for carrying into effect the recommendation, so often, and hitherto so uselessly, made, for the demolition of the barrier, which the necessities, or the avarice, of the keepers, or their clerks, has interposed between the Records and the public. Of the precise nature of the measures, the best adapted to effectuate this design, it is not possible at present to speak with certainty. The following, however, appear to be those, which are the most likely to lead to a successful and safe result—1stly. To separate documents chiefly literary and historical from those of a purely legal nature, and to transfer the former to the British Museum. Such transfer must, of course, be accompanied by such modification of our present absurd law of evidence as would be necessary to prevent any inconvenience, that might otherwise result from the change of custody. 2dly. To require that the clerks should attend in the different offices six, or seven, hours a day, and should devote their whole time to the arrangement of the Records and the formation of Indexes, and to fix their emoluments

upon a scale proportioned to their new duties. 3dly. To concentrate the Records of a certain age and description in some repository of convenient access, to be erected after the manner of the General Register House, Edinburgh. The Rolls Estate presents a most convenient situation for such a building; and it would not perhaps be difficult to show, that this valuable and extensive property is capable of affording sites not only for a General Record Office, but for two Equity Courts, Chambers for the Judges, for Barristers, &c. It is not impossible, too, that the sum of money requisite for the completion of the different edifices, large as it must be, might be raised by mortgage of the estate: a most important circumstance at a period when all hopes of parliamentary aid are said to be chimerical. The more modern and bulky Records, to which reference is most frequently made, should be preserved in some place adjoining the offices where the daily business of the Courts, to which they belong, is ordinarily transacted.

II. *Preservation of the Contents of the Records by Printing, or Transcribing.*—Under this head the Compiler ventures to make the following brief suggestions and remarks:—1stly. Measures should be adopted that all the most rare and important Records in the different Offices be accurately transcribed. Transcription is more economical than printing, and in numerous cases it is fortunately as efficacious, at least for all useful pur-

poses. Valuable as our Records are, they are valuable only to those persons, who have made them the object of peculiar study and pursuit, and industriously acquired the keys to the various ciphers in which they are composed. Such persons form a distinct, but not a numerous, class; and it would be easy to show that to them a faithful transcript of a Record placed in the Museum, would be frequently more acceptable than a printed volume. 2dly. In order to ensure a succession of skilful transcribers, a school should be established for teaching young men the languages and the characters in which our ancient rolls are written, who should be employed as Copyists in the offices, and should eventually be promoted to the situation of Clerks, Deputy Keepers, &c. as vacancies might occur (1). The

(1) Such a school (denominated the *École des Chartes*) was, in 1821, founded at Paris, by virtue of an Ordinance of Louis XVIII. M. Pardessus, the very learned Editor of the *Collection de Lois Maritimes*, lately communicated to the Compiler several valuable manuscript documents connected with this institution, and particularly the report of a Committee of the *Académie des Inscriptions et Belles Lettres*, "sur le projet de règlement relatif à l'École des Chartes," which was prepared by M. Pardessus himself. The published *Ordonnances* and these papers contain many regulations and suggestions, which may be very serviceable in perfecting such an establishment in England. Ministers have, with the permission of the French Government, recently directed the formation of Catalogues (so long desired by literary men) of all the Manuscripts in the General Repositories of France connected with the early history of this country. With the details of this important work, it will shortly be requisite to make

enormous sums paid for the copies (teeming with errors) from which the published works were printed, leave no doubt that an immense saving would have been effected in the expenditure of the Record Board, had such an institution been founded by the Commissioners of 1800. The exertions too of the present Commissioners would not have been paralyzed from the dearth of persons, competent to perform the humble and unexpensive, but most important and useful, task of correct copyists. 3dly. It should be remembered that the arrangement of Records, the compilation of Calendars, the investigation of the duties and emoluments of the officers, and the reform of some notorious but deeply-rooted abuses, constitute the great and primary object of the Commission, and that "the printing of certain of the more ancient and valuable amongst the Records," is enjoined only as a secondary work. The rule should therefore be adopted, that no publication, which cannot be terminated in a reasonable time, and at a moderate expense, should for the future be undertaken without the express authority of Parliament—an authority, which the debate upon the *Materials for the History of Britain* leaves no doubt, would always be granted upon a proper representation. With regard to works of a less bulky and costly description, it is obvious that those should the public acquainted; and advantage will be taken of that occasion to print such particulars respecting the *École des Chartes* as are likely to be useful, or interesting, here.

be selected, which are not likely to become the subject of private enterprise, or speculation. One point remains—the incomplete works—and these present a difficult question, in the solution of which, it is hoped, the present volumes will be found to afford some assistance.

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It is necessary to state—that the Additions and Notes made by the Compiler to the different articles, comprised in the ensuing pages, are uniformly distinguished by brackets, and are purposely restricted to certain details respecting the Records and the publications of the Record Board, which, whatever utility they may possess, will certainly not contribute to the entertainment of the reader—that the Compiler has carefully abstained from all remarks of a historical, or literary, character, even in those instances where his reading would have enabled him to correct inaccuracies—that from the nature of the work, the numerous references are necessarily printed without alteration and without verification—and that the frequent and manifest discrepancies, contradictions, and errors, in fact, construction, and language, appearing in the books, or manuscripts, that have furnished the materials, are equally preserved.

C. P. C.

LINCOLN'S INN,  
29th February, 1832.

[*MS. Lansd. No. 1039, Art. 61, fol. 199.*]

*Notes of Bishop Kennett's Speech in the House of Lords,  
Dec. 9th, 1718, respecting the Preservation of the  
Public Records.* In his own hand-writing.

**MEMORAND.**—On Tuesday, Dec. 9th, a Committee of Lords having been appointed to take a view of the place wherein the Parliament Records are repositied, and to examine into the state of the said Rolls, Records, and Papers, and to consider of ways and means for the better preservation of them, one of the said Committee moved for a longer time; upon which another noble Peer spoke of other offices and places of Records, especially the Rolls, that deserved the like view and care to be taken of them. In which debate the Bishop of Peterborough spoke as near as he can recollect in these words :

My Lords,

I have been such a lover of Public Papers and Records, that I take liberty to speak somewhat on this subject. I cannot but express myself mightily pleased that a Committee is appointed for so good a purpose. I doubt not but they will very honourably discharge the trust committed to them, and deserve thanks for the service they shall do to this House,—for the service and honour they'll do to the nation and all posterity. My Lords, I will presume to say that no nation has been so happy in preserving so vast a multitude of their Muniments and Records as our English nation has been. From the time of the Norman Conquest (as they call it), which is near 700 years, we have more original Manuscripts and Papers of our political and historical affairs, than any one nation, perhaps than all the nations in Europe have. And we should have had many more, if, my Lords, your noble ancestors had frequently taken the same care, that your Lordships are now taking, to examine

into the state and condition of your Public Records, and into the strength and safety of the places wherein they are repositied.

My Lords, for want of that due care, how many of those precious reliques have been embezzled—have been sunk and lost? At one time, a whole ship-load of them, pick't up by the Pope's collector, Polydore Virgil, was said to be sunk about Rochester Bridge, when he had ransack't the nation for them, and put them up in chests and barrels in order to transport them to Rome. And after that shipwrack, my Lords, when that cargo was lost in the river, as tradition and some historical intimations say (Dr. Gale(1),) very many of our deeds and evidences were stolen away and carried off to Rome, especially those relating to our religious houses, to be ready there for a papal Act of Resumption. They plundered our Monasteries and Churches, they broke into our Royal Closets and Cabinets,—it will make your Lordships smile—they stole away the very Love Letters of our Princes, and shew them in the Vatican, for an insult upon our Reformation, (published in 8vo. by Mr. Will. Burnell.)

My Lords, besides what we have lost to Rome, we have been losers to all Popish countries. There is no English seminary abroad but what has too many of our Manuscripts and loose Papers in them, especially the Jesuits' colleges, where they best know the arts, and what they call the pious frauds, of stealing. And I doubt, my Lords, they still employ their missionaries to seek out

(1) [*“ Non est dissimulanda monasteriorum subversio, quæ brevi subsecuta est:—Hæc libros omnes dispersit. Nec fieri potuit, in tanta hominum fuga, ac tunc temporis facta est: in tanta rerum pretiosissimarum distractione, quin boni etiam codices (nam malum fatum eos semper urget) aut corrumpereantur domi, aut in longinquas terras amandarentur. Certe si famæ receptæ et inveteratæ credere licet, unus Polydorus Virgilius, Quæstor tunc apud nos Pontificius, navem istis spoliis onustam à ponte Rhoffensi Romam misit.”*—*Historiæ Britannicæ Scriptores*, tom. 3, Præfatio.]



and lay hands upon all they can find of our old writings, and so by degrees they will exhaust the nation of a treasure *inestimable*, because, I doubt, in their hands *irrecoverable*.

But, my Lords, the more we want, the more necessity we have to preserve *what is left* to us. There has been in this House a noble spirit of that kind. 'Tis well known that the *greatest*, and we would have thought the *safest*, repository of our Public Deeds and Evidences was in the Tower of London, and yet there was a just complaint of some loss and damage in them. Upon which this House appointed a Committee to look into them, and, alas! in what condition did they find them? The Parchments and Papers in the White Tower were like damaged goods in a grocer's shop, matted together with wet and spoil. If they took up one paper, three, or four, more came up sticking to one another, till the weight of one tore off a piece of another. But, my Lords, that noble Committee took care to redress that mischief,—that scandal, I may justly call it. They took care to have the Bulls and Rescripts, the Charters, Patents, Claus Writs, and other curious remains, to be cleaned, to be sorted, to have new apartments for them, to be laid up in such order, and to give such an easy access to them, as is very much for the honour of the Crown, and the liberty of the subject.

My Lords, I expect the like good service will come of the Committee now appointed. I am glad to hear it moved that some larger powers shall be committed to them. I could wish they would examine into all our public offices of Record—the Rolls, the Remembrance Office, and any others. Nay, that they would look into the noble library here adjoining, full of our public Memoirs—the Cotton Library—that has been settled under authority of Parliament, and is worthy to be still under the care and protection of this House.

. My Lords, I am afraid I am so much a stranger in this House as not to know how to form a regular motion in it. But I have framed some good wishes at least. My wishes are, that the care of this Committee may extend as far as possible, and do all the good that's possible. And I have one concluding wish, that came into my thoughts this very morning. I was this morning, my Lords, in a public office of Record, (First Fruits Office,) where I saw a very large trunk filled with parchments and papers, and was informed that all those old writings were lately pick't up in several parts of the town and country, and sent in that trunk for a present to the office by the Remembrancer of it, (Sir Thomas Hanmer,) to be sorted and laid up there as the most proper place for them. From that good example I cannot but wish that all private persons who have any deeds, or writings, that properly belong to any public office, might be, I would not say *obliged*, but might be *encouraged* to some public place of receipt, from which they might be distributed into those several offices. This would soon enrich every office, and improve every where this part of the public treasure of the nation. But I am afraid, my Lords, I am saying too much. I beg pardon. I say no more.

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## ERRATA.

The errors of the press are probably numerous.—The following have been discovered upon casual reference only during the progress of the work :—

### VOL. I.

Page 13, note 7.—The wise and prudent provisions, &c. The Compiler is not the Author of this note. It should have been marked as drawn from the *Manuscript Collection*.

- 171, line 20, notes, for *Ancient Collection*, read *Authentic Collection*.
- 207, note 1. The first division of this note is extracted from the General Introduction to Domesday, and ought to have been inserted between inverted commas. *Postfix to line 18, "General Introduction to Domesday, pp. 185, 186, 4to edition."*
- 311, line 12, notes, for 19th July, 1829, read 19th June, 1829.
- 312, line 19, notes, for 19th July, 1829, read 19th June, 1829.
- 337, line 19, after the words *Rolls Chapel*, introduce a semicolon.
- 339, line 7, notes, for completion read compilation.

### VOL. II.

Since this Volume was printed, the Extract from the Red Book of the Exchequer, pages 324 and 325, has, by the Compiler's desire, been collated with the original manuscript. The following is the result :—

Page 324, line 9, for *gruerre* read *guerre*.

— line 18, for *mutuavit* read *mutavit*.

— line 21, for *mutuavit* read *mutat'*.

— line 24, for *mutuat'* read *mutat'*.

— line 28, for *etai sui* read *etai sue*.

— line 29, for *Brabauc* read *Brabanc*.

— line 31, for *Bria* read *Coia*.

— line 33, for *mutat'* read *mutat'*.

— 325, line 13, for *tunc sequen* read *tunc p'x' sequen*.

Some words too are printed at length, which are written with contractions, and *vice versa*. It may be remarked, that carelessly as the foregoing corrections show that the transcript of the Red Book has been made, yet the extract in question exhibits no error which is not obvious upon the most cursory glance.

Page 336, line 16, *postfix a bracket*.

— 361, line 13, notes, for *Alien Records*, read *Alien Priors*.



## CHAP. I.

### INTRODUCTION.

[*From Manuscript Collection.*]

THE preservation and arrangement of the Records and Muniments of a kingdom, is a public duty of the highest importance. They are the great foundation of its history and its laws, the most indisputable evidence of all public and private rights, and must become the final resort for determining all great constitutional and international questions. It is apprehended, therefore, that no apology will be expected for calling the attention of the reader to our interesting Archives, and the measures which have been adopted for rescuing these treasures from decay, facilitating the access to them, and promoting a knowledge of their contents.

It is asserted by Bishop Nicolson, that "our stores of Public Records are justly reckoned to excel in age, beauty, correctness, and authority, whatever the choicest archives abroad can boast of the like sort." (1) He adduces, indeed, no evidence in support of a proposition which, in the absence of all proof, appears somewhat to savour of national partiality. Nor is the writer aware of any of our antiquaries who have made any researches in illustration of so interesting a comparison. The assertion, however, though probably made at random, is, it is believed, sub-

(1) Preface to the *English Historical Library*. This sentence, as well as many others from the body of the work, has been copied verbatim by Mr. Astle, in his preface to *Ayloff's Catalogue of Antient Charters*.

stantially correct. For although the ecclesiastical archives on the continent, as Saint Denis, Cluni, Mont Cassin, and others, contained documents of great value and antiquity, yet the various imperial, royal, and national collections of Europe, are, in almost all respects, inferior to our own. We are informed by Maffei (2), that no instrument in the public repositories was of a date anterior to the thirteenth century, although there were many preserved in the monasteries of the sixth and seventh centuries (3).

The archives of the Empire were formed by Eginhard, the secretary and historian of Charlemagne. The successors, however, of that monarch, like the Cæsars of the Roman empire, (who were attended in their wars and their journeys by the *scrinia viatoria* (4),) transported their records with their courts, and the consequence was, that they were frequently lost and dispersed. According to Wagenselius (5) the imperial archives contained no instrument of the time of Rodolph of Hapsburg, or even of the succeeding century; and he states, that, except the

(2) *Del Arte Critic.* 96. Muratori also bears testimony to the same effect. *Istor. Diplom.*

(3) *Mabillon de Re Diplom.* 429. *Hiscoe, Dissertatio Epistolaris*, 9, 10, 29. According to Gregory of Tours, princes used to conjure the prelates, with tears in their eyes, to permit them to place their deeds and instruments in these repositories. *Hist. Fr. lib. ix. c. 42.* In later times the monks were violently suspected of forging deeds, charters, and other instruments. The accusation was brought forward by Papebroe, Hardouin, Germon, and others, which excited several furious diplomatic controversies. The champions on the opposite side were Ruinart, Contal, and, above all, Mabillon, with whom all Italy ranged itself. *Nouv. Traité de Dipl.* Pref. 25.

(4) According to Buddeus, besides the distinction of *scrinia palatii*, *sacra scrinia*, and sometimes *scrinia Augusta*, the imperial archives were divided into the designations of *scrinia viatoria* and *scrinia stataria*. *Annot. ad Pand.* 162.

(5) This author is cited from the *Nouveau Traité de Diplomatie*, and the *Dictionnaire de Diplomatie*. No copy of his Dissertation upon the Imperial Archives is to be found either at the British Museum or in the Bodleian Library.

Golden Bull (6) of Charles the Fourth, the *Code des Recès de l'Empire* comprised no constitution more ancient than the reign of Frederick the Third, (A. D. 1442.) It was not until the end of the 15th and the beginning of the 16th century, that, under the reign of Maximilian the First, the celebrated repositories were formed of Mayence, Vienna, and Spire.

In France, the sovereigns of the two first races, and some of those of the third, adopted the same evil practice of carrying their archives with their courts. A signal instance of the danger attending this custom occurred in the course of the invasion of France by Richard I. in 1194, when he surprised Philippe Auguste at Belle Foye, and, besides a considerable treasure, captured the whole of his archives (7). This loss, which is but slightly noticed by the English historians, has been represented by le Père Daniel, and several French antiquaries, as almost irreparable. It had, however, the good effect of suggesting to the celebrated Guérin, Bishop of Senlis, and afterwards chancellor, the expedience of establishing the *Trésor des Chartes*, for which the office was subsequently created of *Garde des Chartes*. Great abuses, however, having been at various times committed, by persons in office subtracting the originals, for the purposes of consulting them, and neglecting to return them, the situation of keeper was attached to the place of *Procureur-General*. And we find

(6) The original of this celebrated instrument is preserved at Frankfort on the Maine. Its date is 1356. It is kept with such religious scrupulosity, that in 1642 the Elector of Mayence could with difficulty obtain permission to renew the silk ribbon to which the seal is attached. Charles the Fourth had previously granted two other bulls, which have each been honoured with the same title, the Golden Bull of Bohemia in 1348, and that of Brabant in 1349.

(7) The *Histoire de la Maison d'Auvergne* states, that Henry V. lost the great seal of England at Agincourt. This is probably a mistake, though it is certain that, during the battle, his camp was pillaged, which caused him to issue the hasty order for killing the prisoners.

those eminent magistrates, Molé, d'Aguesseau, and Joly de Henry, when they held this office, distinguishing themselves by the order and arrangement which they introduced into the department. We are told, however, by Dupuy, that there was no article in the collection more ancient than the reign of Louis le Jeune (8).

In England, on the contrary, the national archives have, from the earliest periods, been preserved in fixed repositories, and no foreign enemy has, for the space of seven centuries, been in possession of our capital. In the troubles, indeed, in the reigns of Stephen and John, in the Barons' wars, and afterwards in the conflict between the Roses, these sanctuaries are supposed to have been violated: and Prynne accuses the respective parties, as they prevailed, of having embezzled and suppressed such instruments as made against their interests. With this inconsiderable exception we are in possession of authentic and valuable instruments from the time of the Conquest, and of parliamentary records and proceedings from a period but little subsequent to it.

Of the immense value and importance of these treasures the reader will at once be satisfied, upon considering that they comprise the various Acts of the Legislature; the Decisions and Judgments of the several Courts of Law and Revenue; Negotiations and Treaties with Foreign Nations; Papal Bulls and Royal Letters; Proclamations of the Crown; Grants of our Sovereigns; all documents relating to our Coinage, our Trade, and our Manufactures, or to the state of our Army, Militia, or Navy; an immense collection of important instruments concerning our Monastic Institutions, and the countries anciently under the dominion of the Crown of England (9). If we add to all

(8) *Traité des Droits du Roi*, 1005. Louis le Jeune came to the throne in 1137.

(9) In the year 1764 the Duc de Praslin, who was then Minister for Foreign Affairs, commissioned M. de Brequigny to examine our principal repositories

these the invaluable Collections of Charters and other Manuscripts contained in our public libraries, the British archives must be allowed to form the most universal repository of every species of Legal, Historical, Constitutional, and Antiquarian Information.

It is, however, remarkable how much the investigation of Public Records has been neglected by those whose duty it was to make themselves best acquainted with them. Our early chroniclers (for they cannot be honoured with the name of historians) display the greatest ignorance of their contents, and even of their existence. Confined to their cloister, they knew little more of the affairs of which they undertook to treat, than what they derived from hearsay and tradition; and possessed neither the industry, the talents, nor the opportunities of obtaining information of any real value or authenticity (10). Later historians, it is true, have sometimes gone to the best source; yet, with a few honourable exceptions, how sparing have even these been of their labours! How frequently content to receive their knowledge at second hand, and to spare themselves

for documents relating to our former possessions in France; and particularly to search for a celebrated charter of Philippe Auguste, lost at Belle Foye, and which Carte supposed might be found among the records in the Exchequer. Though unsuccessful in the main object of his mission, M. de Brequigny derived very extensive information from his researches, an interesting account of which will be found in the 37th volume of the *Mémoires de l'Académie des Inscriptions*. That collection also contains several disquisitions upon points of the history of France, which he has ably elucidated by his researches among our English records. It will be impossible to write a complete history of either country without diligently consulting the archives of both. [*See a subsequent page.*]

(10) And yet our law, which is strict almost to pedantry in most of its rules as to the admissibility of evidence, permits general histories to be admitted in evidence, to prove matters relating to the kingdom at large. The absurdity of this doctrine cannot be better pointed out than by noticing the discrepancy of historians as to a point of no less importance than the commencement of the formation of the Domesday Survey. Of fifteen histories that mention it, four place it in the year 1083, one in 1084, one in 1085, seven in 1086, and two in 1807.

the drudgery of personal research! Even Burnett, who in his *History of the Reformation* is in general so remarkable for his exactness in referring to the original records, is clearly in an error with respect to an instrument of no less importance than the Act for dissolving the lesser Monasteries (11). After this we shall not be surprised at the errors, omissions, and deficiencies of more elegant and philosophical, but less laborious historians. Well might Sir W. Blackstone remark, that a general and complete History of England was a desideratum which there was little hope of seeing adequately supplied.

It is remarkable also how frequently doctrines have been advanced by the greatest constitutional lawyers, which a careful perusal of original records has proved to be erroneous. Thus the knowledge and research of Lord Coke are proverbial. Acute, learned and laborious, an indefatigable inquirer into the most abstruse antiquities of the constitution, he has justly earned the title of the Oracle of the Common Law. Yet the errors and omissions which have been discovered in his writings by Prynne are at once numerous and important, and seem justly attributed by that great antiquary to Lord Coke's preference of abridgments, indexes, and copies, to the original records themselves—a violation of his own most favorite maxim (12), by pursuing the stream in quest of that knowledge which he should have drawn from the fountain-head itself. We also find noticed (13) a remarkable error of a person pre-

(11) He accuses both Lord Herbert and Fuller of citing the statute without having read the record, and after stating that there is a particular statute of dissolution distinct from the 28th chapter, he asserts that the preamble set down by Fuller belongs not to the 28th chapter, but to the 18th, which was never printed. This is entirely a mistake; the 18th chapter relates to quite a different subject, and the preamble is as stated by Fuller, whose only mistake is, that he has cited the chapter as the 27th instead of the 28th.

(12) *Satius est petere fontes quam sectari rivulos.*

(13) *Report of the Committee of the House of Commons on the Public Records*, (printed 1802,) Appendix, 44.



eminently distinguished for his deep researches into the History of Parliament, namely, Sir Robert Atkyns, who had been a Judge, and was afterwards Chief Baron of the Exchequer, and Speaker of the House of Commons (14).

By the laborious industry also of private individuals we have been occasionally led to a more intimate acquaintance with the contents of our public records. Many of the most distinguished persons in our history have been eminent for their researches into them. It is sufficient to mention merely the names of Camden, Spelman, Cotton, Usher, Burnet, Tanner, Kennett, Hickes, Wilkins, Nicolson, Hale, and, lastly, the profoundly learned and constitutional Selden, a man whose transcendent knowledge was only equalled by his private virtues and public integrity. Nor, in such a list, must the name of Sir W. Blackstone be omitted, who would have well deserved the gratitude of his country for having illustrated her legal and historical antiquities, although nothing had remained of his works

(14) In his argument in 1680, upon the information by the Attorney-General against Speaker Williams, he asserted that the Speaker of the House of Commons, in the 51st of Edward III. and the 1st of Richard II. was termed Speaker of the Parliament—a position which is now clearly proved from the records to be erroneous. [See a subsequent page.] Lord Coke is convicted by Prynne of two capital mistakes: 1st, in advancing that the Lords and Commons sat together late in the reign of Edward III. and till the Commons had a perpetual Speaker: 2dly, that if an act states that the King enacts and the Lords assent, without naming the Commons, the omission cannot be supplied by any intendment.

A singular mistake of Prynne himself is also recorded by Lord Clarendon. In 1667, upon the alarm caused by the Dutch fleet in the Medway, it was determined in council, against Clarendon's opinion, that Parliament should be called together, although under prorogation, Prynne, who had been privately carried to the King the night before, having satisfied him that upon so extraordinary an occasion it might be done. "The mistake is the more remarkable," observes Mr. Hatsell, "as Prynne had published, in his edition of *Cotton's Abridgment*, a Record of the 12th and 13th of Edward IV. which is conclusive against his opinion." 2 *Hats.* 315.

except the edition of the Charters, and its elegant and learned introduction.

These gloomy and uninviting regions have also been explored by a class of persons who, though inferior to the last in the higher qualifications of mind, and in the universality of their knowledge, have nevertheless, by the mere force of labour and by the prodigious extent of their researches, made the most valuable discoveries. To Lambard, Dugdale, Ryley, Powell, Brady, Tyrrell, Rymer, Madox, Petyt, Carte, Ayloffe, Bowyer, and Holmes, we owe the most valuable parts of our knowledge of the early history of our constitution; and, above all, to the voluminous and indefatigable Prynne (15), an enthusiast in this species of learning, who devoted the greatest portion of an intensely assiduous life to what he repeatedly terms "the heroic study of Records."

(15) This laborious man was born at Swanswick, near Bath, in 1600; entered as a Commoner at Oriel College, Oxford, in 1616, and took the degree of B. A. January 22, 1620; after which he removed to Lincoln's Inn, where he was successively barrister, benchet, and reader. The courage with which he endured two Star-Chamber sentences of enormous severity, his triumphant return from Jersey, where he was imprisoned, and his subsequent confinement by Cromwell, are well known. After the Restoration he was made keeper of the Tower Records, and a commissioner of excise. He died October 24, 1669. Wood gives a catalogue of his works, which amount to near 200. The principal are, *The Histrio Mastix*, *The History of King John*, *A Short Demurrer to the Jews' long discontinued Remitter into England*, and *Brevia Parliamentaria*. But his most laborious and extraordinary effort is his book in favour of the King's Ecclesiastical Supremacy, commonly known by the title of *Prynne's Records*. It is very scarce, most of the copies having been consumed in the great fire: of the second volume, it is said, only 23 were saved.

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## CHAPTER II.

### PARLIAMENTARY MEASURES FOR THE BETTER PRESERVATION AND ARRANGEMENT OF THE PUBLIC RECORDS.

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[*From Manuscript Collection.*]

THE *Public Measures*, which have been at various times adopted for the preservation and arrangement of our archives, though in general well directed, have for the most part been inoperative and abortive. The more successful have left much undone, to which the gradual ravages of time and the accession of new matter have been constantly adding. As they, however, inspired the design and formed the plan of the great national work, the superintendence of which has been confided to His Majesty's Commissioners on the Public Records of the Kingdom, a short sketch of their origin and progress will, it is hoped, prove not unacceptable to the reader.

The practice of making Enrolments, though known in the remotest ages, (1) was, according to Madox, first introduced into England by the Normans, who framed a court on the model of their own Exchequer, and brought with them the various modes and customs which were

(1) The *Nouveau Traité de Diplomatique* traces the custom to the Jews, Greeks, and Romans, vol. i. 431.

observed in it. Amongst these was the usage of entering the Accounts of the Revenue, and the Proceedings of the Court, upon vellum rolls.

The benefits which resulted from this practice gave such weight and importance to the Public Records and Muniments, that we find the royal authority, at a very early period, interposing for their preservation. In the Preface to Sir Joseph Ayloff's *Calendar of Antient Charters*, (which, as it has been before observed, was written by Mr. Astle,) several writs of Privy Seal in the reign of Edward II. are referred to, in which that monarch directs proper persons to be employed to superintend, methodize, and digest all the Rolls, Books, and other Writings, either in the Treasuries of the Exchequer, the Tower, or other places of security. In subsequent reigns, numerous writs are to be found, not only for their safe custody and preservation, but also for the regular sorting and arrangement of them. And in some of the very first Petitions upon the Rolls of Parliament, the Public Records are called *the People's Evidences*; and it is ordained that they shall be accessible to all the king's subjects.

We are told by Mr. Astle, that "the keeping of the Rolls was confessedly vested in the Chancellor ever since the first separation of his Court from the King's Exchequer; but that in process of time, as his duties increased, it was thought necessary to relieve him from the immediate keeping of the Chancery Records, and to place them under the custody of an officer to be appointed for that particular purpose." He then proceeds to state, that "William de Armyn was accordingly, with the consent of the Chancellor, appointed Master or Keeper of the Rolls, and had the custody of them committed to him in the twentieth year of Edward the Second." It is surprising that so gross an error should be discovered in a person

of such research: for whatever doubts may have been entertained as to the *judicial* authority of the Master of the Rolls, the great antiquity of his *ministerial* duties had, it is believed, never been questioned. In a manuscript treatise upon the Court of Chancery, ascribed to Sir Robert Cotton, it is expressly laid down, that "the Custos Rotulorum has been an officer in the Court of Chancery of as long continuance as the Chancellor hath been a magistrate." In the great controversy in the last century, between Lord King and Sir Joseph Jekyll, several entries were produced from the Close Rolls of admissions upon record long prior to the twentieth of Edward the Second. And it is remarkable, that in the earliest admission of a Master of the Rolls now extant, (which, by the way, is nearly forty years previous to the time mentioned by Mr. Astle,) the custody of the Rolls is committed to him "*to have as other keepers were accustomed to have in times past.*"

Mr. Astle is, perhaps, more fortunate in his next assertion, viz. that in the fourteenth of Edward the Third, the earliest transmission took place of the Chancery Records to the Tower of London. At this time, also, the office of Keeper of the Tower Records was instituted, and the same king soon afterwards, for the better preservation of the Chancery and Parliament Records, until such time as they should be removed to the Tower, annexed the house of Converted Jews in Chancery Lane to the office of Master of the Rolls, having previously appointed an apartment in the Tower, called Wakefield's Tower, to be the repository of those records after every transmission of them from the custody of the Master of the Rolls.

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*[From the First Report of the Select Committee of the House of Commons appointed in 1800 to inquire into the State of the Public Records, and of such other Public Instruments, Rolls, Books, and Papers as they should think proper.]*

THE greater part of the Public Records, beginning with the Books of Domesday, have been preserved to us for more than seven hundred years, although many have undoubtedly been lost or destroyed, and particularly during the reigns of King Stephen, King John, and Henry III. and the wars between the houses of York and Lancaster; and it is also probable, that during those times of turbulence, the persons whose duty it was to have recorded public transactions may have neglected so to do.

The attention of Parliament appears to have been directed very early to this object.(2) In some of the very first petitions upon the rolls of Parliament, the Public Records are considered to be the people's evidences, and it is ordained that they shall be accessible to all the King's subjects. In subsequent ages, sometimes the Sovereigns alone, and sometimes the King and Parliament conjointly, interposed to make special provisions and regulations for their due preservation and arrangement.(3) In the reign of Elizabeth an inquiry was instituted concerning the Records of Parliament, and of the Courts of Chancery and Exchequer. James the First projected a State Paper Office, and an office of General Remembrance for all matters of Record;(4) and a commission was issued by Charles the First for searching

(2) *Rot. Parl.* 46 Edward III. vol. ii. p. 314.

(3) *Ayliffe's Introd. Calendars Ancient Charters*, p. 27, &c.

(4) Patent, printed 4to. 1617.

after all Records belonging to the Crown.(5) Statutes also were enacted at various times, to protect them from falsification, erasure, and embezzlement.(6)

Unfortunately, however, almost all the provisions established by the vigilance of preceding reigns were broken down by the Civil Wars of the seventeenth century; (7) and although some useful steps were taken in the reign of Charles the Second, by founding the present office for State Papers, and reforming the treasuries of the Common Law Courts, yet no effectual measures were adopted, to retrieve the general mischiefs produced by those times of confusion, until the reign of Queen Anne.(8)

At that æra, under the sanction of the Royal authority, and by the advice of Lord Halifax, and the then Speaker of the House of Commons, Mr. Harley, afterwards Earl of Oxford, the design was formed and executed of publishing that magnificent compilation of State Papers and Records, which the public now possess under the name of Rymer's *Fœdera*.(9) And as that great national work chiefly related to the Foreign Transactions of this country, the

(5) *Ayliffe's Introd.* p. 35.

(6) Stat. 8 Rich. II. c. 4, 11 Hen. IV. c. 3.

(7) [The wise and prudent provisions mentioned in the Report were not only suspended in the confusion of the Civil Wars, but the whole body of our Records themselves narrowly escaped destruction. The wild enthusiast, Hugh Peters, in a pamphlet intituled "*Good Work for a Good Magistrate*," after a scheme of a short new model for the law, subjoined the following plan:—"This being done, it is very advisable to burn all the old Records, yea, even those in the Tower, the monuments of tyranny." The better sense, indeed, of the nation, rejected this wicked and insolent proposal, yet no public steps were taken for their preservation; and it is asserted, that Bradshaw, Thurloe, Whitlocke, Milton, Scobell, and other persons attached to the Usurper, took advantage of the opportunities which they possessed of embezzling and carrying off a great number of documents. See the Measures adopted by the House of Lords and afterwards by the King for the recovery of them.]

(8) *Ayliffe's Introd.* p. 36.

(9) *Ayliffe's Introd.* p. 37. *Madox's* Prefatory Epistle to his *History of the Exchequer*; and *Disertatio Epistolaris*, prefixed to the *Dialogus de Scaccario*.

House of Lords afterwards, at the instance of Lord Halifax and Lord Somers, set on foot an inquiry into the state of our Domestic Records, as connected with its internal Laws and Government. That inquiry was prosecuted without intermission, and with many salutary consequences, through the reigns of Queen Anne and George the First, down to the commencement of the reign of George the Second.(10)

By an event which took place in 1731, namely, the fire which happened at the Cottonian Library, the House of Commons was induced to set on foot another inquiry by its own authority, still more extensive and effectual than the former; and a very elaborate and ample Report, made at the conclusion of that proceeding, together with an earnest and unanimous Address of the House in support of the measures which it recommended, was laid at the foot of the Throne.(11)

The scope of these several inquiries, made by the authority of the two Houses, comprehended some of the principal repositories of the kingdom;(12) and in the

(10) *Lords' Journals*, 10 Dec. 1703; 30 March and 31 Jan. 1704; 15 Dec. and 17 Jan. and 4 March, 1705; 8 April, 1707; 20 April, 1709; 31 May, 1711, &c.; 26 Feb. 1716; 4 July, 1717; 16 April, 1719; 1 and 22 May, 1725; 25 and 28 May, 1728. [There are several short Reports from the Lords' Committees, to be found on the Journals of the House, which it is not altogether useless to consult. Many evils and defects which were the subject of complaint more than a century ago, still remain to be corrected and supplied. See *Lords' Journals*, vol. xvii. p. 555. 637; vol. xviii. p. 69. 318. 715; vol. xix. p. 314; vol. xxi. p. 134—144 (the Report of the 16th April, 1719); vol. xxiii. p. 281. So much of the Report of the 16th April, 1719, as relates to Records, with the Address of the House of Lords and the King's Answer, was ordered to be printed in an 8vo. volume.—*Lords' Journals*, vol. xxi. p. 150. See also *The Report of the Lords' Committees, appointed by the House of Lords to view and consider the Public Records, as also in what manner and place the same are now kept*. London. 8vo. 1719.]

(11) 15 Feb. 1731, and 9 and 10 May, 1732; *Com. Journ.* vol. xxi. p. 917, 918.

(12) The Record Offices examined by the Lords between the years 1703 and



Report made to the House of Commons by the Committee in 1732, after stating, that under their direction some of the principal Record Officers had compiled a Table of the Records of the Kingdom, digested in a regular series of time, and distinguishing the repositories in which the several Records are contained, they proceeded to state, "That they had laid the foundation for a very necessary and noble work, which must be of singular advantage to particular persons, an honour to the nation, and bring to light many valuable remains of antiquity, which, for want of an easy and proper access to them, had long been concealed from public notice."

1728, were—the Parliament Office, the Tower, the State Paper Office, the Chapter House, the Court of Wards, the Court of Requests, the Crown Office in the Court of King's Bench, and some few Offices in the Courts of Chancery and Exchequer. In addition to these, the Committee of the House of Commons, in 1732, reported upon the Rolls Chapel, the Treasury of the Common Pleas, the Duchy of Lancaster, and the First Fruits Office. See *Journals of Lords and Commons*. [The Report of 1732 is not inserted in the Journals. It was, however, printed at the time by order of the House. *Report from the Committee appointed to view the Cotton Library, and other Public Records of the Kingdom, containing an Account of the Damage done by the Fire at Cotton House, with a Catalogue, by Mr. David Casley, of the MSS., Records, &c. defaced or destroyed; also an Account of the Nature and Condition of the Records deposited in each of the Public Offices; and a general Table of the Records, under the Heads of Chancery, Common Law, Exchequer, and Dutchy Court of Lancaster, drawn up by Mr. Lawton, folio, 1732.* Mr. Casley's Account has been reprinted in his *Catalogue of the Manuscripts of the King's Library*, p. 313. This Report is also comprised in the Collection of Reports from Committees of the House of Commons not inserted in the Journals, (vol. i. p. 445.) It was principally from the materials afforded by this Report, and the Report from the Lords' Committees of 1719, that Mr. Strachey compiled his *Index to the Records, with Directions to the several Places where they are to be found, and short Explanations of the different Kinds of Rolls, Writs, &c.*, which was published in 8vo. in 1739, and has been reprinted, with a variation in the arrangement of the work, at the end of *Newman's Conveyancer*, vol. iii. p. 616—664, folio edit. and vol. vi. 8vo. edit.: Mr. Strachey also consulted the works of Powell, Prynne, Bishop Nicolson, and other Authors, together with some manuscripts of Lambert, Agard, and Le Neve. See *Bibliotheca Legum Angliæ*, Part II. p. 93, compiled by Edward Brooke. See also Part I. p. 14, compiled by Edward Worsall.]

This was the last great Parliamentary proceeding upon this subject, previously to the appointment in 1800 of the Select Committee of the House of Commons to inquire into the State of the Public Records of the Kingdom, and in the period that had elapsed, being nearly seventy years, some of the measures recommended by the Committee of 1732 had been adopted effectually; (13) others, however, had not been fully executed; and the intermediate lapse of time had progressively superadded a large accumulation of materials in every department: besides which, the change which had taken place in the language and written character of judicial proceedings, had increased the difficulties of methodizing these repositories, or applying their contents to purposes of practical use. (14) It was apparent also that no Parliamentary inquiries had been hitherto extended to the Courts Maritime or Ecclesiastical, nor to any of the Cathedral or University Libraries; that the Royal, Sloanian, Harleian, and other Collections, which now constitute the British Museum, had never been subjected to such a visitation, and that no such proceeding had ever been extended to any of the Public Repositories in Scotland. (15)

(13) On the 20th May, 1772, a Committee of the House of Commons was appointed to view the Rolls Chapel, &c. and upon the 26th of May they made a Report upon it. See *Com. Journ.* vol. xxiii. p. 775 and 791. See also an Address for repairing the Rolls Chapel, &c. 10th Aug. 1784, *Com. Journ.* vol. xl. p. 427.

(14) Stat. 4 Geo. II. c. 26.

(15) [The measures for the better preservation and arrangement of the Public Records of Scotland, which were executed or planned prior to the year 1800, are detailed in the different valuable Reports of the Deputy Clerk Register of Scotland, but principally in the Fourth Annual Report.—See *Appendix to First General Report from the Commissioners on Public Records*; see also the *First Report from the Select Committee on the Public Records, Appendix* (Va.)

Similar measures with regard to the Public Registers of Ireland are noticed in the *Reports from the Commissioners respecting the Public Records of Ireland*.—Vol. i. pp. 38. 399. 447, et seq.]

The following are Instances of Directions given for arranging the Records and providing for their better Security :—

[*From Manuscript Collection.*]

KING Edward the Second, by his writ to the Treasurer and Barons of the Exchequer, dated at Westminster the 7th August, anno 14 of his reign, (16) commanded them forthwith to employ a competent number of able clerks to superintend, arrange, and methodize the Rolls, Books, and Memoranda of the times of his Progenitors, then in his Treasury and in the Tower of London, touching his Exchequer, which he states were not then so properly arranged for his and the public weal as they ought to be.

In the 16th of his reign, the same king, by letters-patent to the said treasurer and barons, dated at York the 3d December, commanded that all Papal Bulls, Charters, Writings, and Memoranda, touching his state and liberties in England, Ireland, Wales, Scotland, and Ponthieu, then remaining in his Treasury under their custody, in the Wardrobe, and elsewhere, (17) should be calendared and arranged at the king's expense by certain competent clerks, to be for that purpose appointed by the treasurer, who was thereby directed to reward such persons out of the treasury for their so doing (18).

In the 19th year of the reign of the same king, Robert de Hoton and Thomas Sibthorp, whom the king had then lately appointed to examine, arrange, and methodize all the Charters, Writings, and other Muniments in the castles of Pontefract, Tuttebury, and Tonebrigge, also such as had newly been brought into and were then in the custody of the Warden of the Tower, and those in the House of the Friars Preachers in the city of London, were by the king's writ, dated at Shene the 14th October, commanded to deliver all the Rolls of their arrangement, and the keys in their custody of the chests and coffers, to the treasurer and chamberlains of the Exchequer (19).

(16) *Rot. Claus.* 14 Edw. II. m. 22.

(17) These Records were in the Tower. *Rot. Claus.* 33 Edw. I. m. 3.

(18) *Rot. Claus.* 16 Edw. II. m. 19. d.

(19) *Rot. Claus.* 19 Edw. II. m. 26.

King Edward the Third, in the 34th year of his reign, by a writ dated at Westminster, the 20th August, and directed to William Lambhith, clerk, surveyor of his works in the Tower of London, commanded him to survey, repair, and amend all defects in the roof, doors, and windows of the house in the Tower of London, which the king had provided for the safe custody of the Rolls and other Memoranda of the Chancery, of himself and his progenitors, (the Rolls being then likely to sustain material damage by such defects unless speedily repaired,) and also to make three new closets in the same house for the better security of such Rolls and Memoranda, the expenses whereof the king directed should be allowed in his account (20).

And on the 10th June, in the 36th year of Edward the Third, the king, by a like writ, directed to William Sleaford, clerk of his works within the Tower of London, commanded that he should forthwith repair and amend all defects in the roof, doors, windows, locks and keys of the Tower, wherein the Rolls and other Memoranda of his Chancery were repositied, the expenses whereof were (in like manner) to be allowed in his account (21) (22).

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*[See the First General Report from the Commissioners appointed by the King to execute the Measures recommended by a Select Committee of the House of Commons, respecting the Public Records.]*

Towards the end of the same session of Parliament in which they were appointed, the Committee presented to the House the result of their labours, in the form of two connected Reports; wherein, after setting forth a brief

(20) *Rot. Claus.* 34 Edw. III. m. 15.

(21) *Rot. Claus.* 36 Edw. III. m. 25.

(22) [Copies of three of the above-mentioned writs and letters-patent, and of several others having a similar object, may be seen at the end of the Report from the Commons' Committee, 9th May, 1732.]

account of the measures taken upon this subject under the authority of the Crown and Parliament in former times, and also relating the course of proceeding by which their own inquiries had been conducted, the Committee finally submitted to the judgment of the House certain measures for the better preservation, arrangement, and more convenient use of the contents of all the various Public Repositories; together with systematical and alphabetical enumerations of all the recorded memorials of the History, Laws, and Government of England, from the period of its Conquest by the Normans, to the year in which the Union took place between Great Britain and Ireland.

The Committee conclude their First Report by expressing a wish that the House of Commons would bear in mind the following considerations; namely, the acknowledgement of all times that our general histories (23) show abundant marks of ignorance and incorrectness with regard to the existence and contents of our Public Records: a fact to which there is uniform testimony from the days of Lord Bacon and Lord Coke to our own times; and to

(23) Lord Bacon says, “*Versatur infelicitas quædam inter Historicos vel optimos, ut legibus et actis judicialibus non satis immorentur; aut si forte diligentiam quandam adhibuerint, tamen ab authenticis longe variant.*”—*De Augmentis Scientiarum*, Lib. viii. c. 3. Aphorism xxix.

Lord Coke, in the Preface to his Third Report has this passage:—“I pray thee beware of Chronicle Law reported in our Annals, for that will undoubtedly lead thee to error; for example, they say that William the Conqueror decreed that there should be sheriffs in every shire, and justices of peace to keep the counties quiet, and to see offenders punished; whereas the learned know, &c.”

Blackstone, in his Introduction to the Great Charter, says: “In consequence of those facts and Records (appealed to) he hath been obliged to differ very frequently, not only from the Monastic Writers, and such as have implicitly followed them, but also from later historians of a very different character, who were endued with more learning and industry, and wrote from more authentic materials.” He adds, afterwards, that a general and complete History of England is still wanting.

this, the Committee observe, may be added, the manifest importance of our having the most ready knowledge of the Records of the country, in the daily concerns of government, legislation, and jurisprudence.

With respect to legislation, it is clear that many of our Public Statutes and Parliamentary Forms were unknown to the most learned men of former times,(24) as we now find by reference to the Parliament Rolls; and many of those laws are even now not engrafted into the ordinary Collections in the printed Statute Books. Upon the celebrated Conferences of the House of Commons with the House of Peers in the last century, when the exclusive privilege of the Commons respecting Money Bills was discussed and established, the important uses to be derived from a knowledge of Parliamentary Records were signally and successfully displayed on the part of the Commons by Sir Heneage Finch (25) (then Attorney General, and afterwards Lord Nottingham), for which he received their unanimous thanks: so when the constitution of the Exchequer came into question upon the Bankers' Case, in the reign of King William, it was by the test of Public Records alone that Lord Somers was enabled to settle its limits: and again, when the right of manning the Navy by pressing was disputed, (26) the legality of that practice was

(24) Lord Coke says that the two Houses of Parliament sat together till late in the reign of Edward the Third, and till the Commons had a perpetual Speaker See 4 *Inst.* c. 1. p. 2, and c. 51, p. 255; but it appears by the Rolls of Parliament, that they sat, or at least acted, separately, long before that period, 9 *Edw. II. Rot. Parl.* vol. i. p. 351; 13 *Edw. III. Rot. Parl.* vol. ii. p. 104, 107; 14 *Edw. III.* p. 112; 15 *Edw. III.* p. 127; 17 *Edw. III.* p. 136; 18 *Edw. III.* p. 153, &c. The Lords are directed to meet "*en la Chambre Blanche*," and the Commons "*en la Chambre de Peinte*," 40 *Edw. III.* p. 289. On the opening of the Parliament, the Commons were directed by the king to return to their ancient place, "*en la Maison du Chapitre de l'Abbeys de Westminster*." 51 *Edw. III. Rot. Parl.* vol. ii. p. 363; see also, *Prynne*, 4 *Inst.* p. 9.

(25) *State Trials*, vol. ii.

(26) *Foster's Crown Law*, Alex. Broadfoot's Case, 1743.

established by Sir Michael Foster, on the authority of recorded precedents: and to this same standard of authority have both Houses of Parliament found it expedient to resort at no very distant period, (27) and upon occasions of the most solemn concern, for the safest guide to their joint proceedings. (28) (29)

(27) *Com. Rep. of Precedents on the Regency*, 12 Dec. 1788; and *Rep. on Continuance of Impeachments*, 19 Apr. 1791.

(28) [It is remarkable that the following recommendation of a Committee, of which the late Lord Colchester was the Chairman, together with the details to which it alludes, should have escaped the notice of all those who, during the last two years, have ransacked our libraries for authorities in favour of a General Registry of Deeds relating to land.

“In concluding this Report, your Committee feel it also to be their duty to call the attention of the House to the policy of establishing hereafter some system of general registration for all Public Records and instruments whatever, or at least for such as affect landed property. The whole details of such a system, its structure and its operations, are exemplified in the Returns, collected in the progress of these inquiries.\* And your Committee desire to suggest, for the future consideration of Parliament, whether it may not be a measure of the soundest wisdom to extend throughout all England that plan which has been tried so satisfactorily in the populous counties of Middlesex and York,† for nearly a century past,—tried also, with singular advantage, for an equal period throughout the whole kingdom of Ireland,‡ with whose laws, on this point at least, it must be peculiarly desirable to establish a similarity; and tried, for ages, upon a still more perfect and extensive plan, throughout Scotland, with the most complete success, and the most salutary consequences.”

See *First Report from Select Committee on the Public Records*, page 20.

The advocates for registration have also overlooked the Report on the Irish Register Office, made by the Sub-Commissioners in the month of July, 1811, to his Majesty's Commissioners on the Public Records of Ireland. In that Report will be found the following passages:

“The enrolment and registry of Deeds and Wills, to perpetuate evidence of Titles, and render notorious all transfers and incumbrances of Landed

\* Appendix (M. 1, 2, 3, 4, and V. a.)

† Stat. 7 Anne, c. 20, Middx.—and Stat. 2 & 3 Anne, c. 4; 6 Anne, c. 25; 8 Geo. II. c. 6. Yorkshire.

‡ Irish Statutes, 5 Geo. II. c. 4.

Upon the foundation of these Reports, an Address from the House of Commons was immediately presented to

Property, was practised centuries ago, both in Great Britain and on the continent; but a tract of Sir Matthew Hale seems to have produced the English Acts of 2d and 5th Anne, from whence ours are chiefly copied, perhaps with improved precision."

"The Saxons executed their conveyances in the County Court, and entered memorials of them in Monastic Chartularies. Richard the First projected a general Register of the Jewish Mortgages (called by them Shatars or Starrs); and in Scotland every transfer of land is regularly recorded. In France Henry the Second ordained, in 1553, that all Substitutions should be registered. And in Flanders an Edict of 1588, (recited in the code of its laws and customs, "Keuren ende costumen van den landen van den vryen") directs that all sales, exchanges, releases or other alienations of land, shall be registered within one month (and a certificate of registry subscribed), or be void as against third persons, so that the first registered deed, &c. shall prevail: "By ghebreke van t' zelve overdragen in der manieren, voorseyt, te wesen van *gheender* werden, kracht, nocte effect; jeghen ofte in prejudicie van eenen derden; so dat den gonen die ten zelve Registre eerst bekennt sal zijn (al waere hy oock van jongher date) voor den anderen gaen, ende gheprefereert sal worden, in het ghesagh van de proprieteyt," &c.

"As a new Register Office is already almost indispensable, we shall conclude with briefly suggesting some particulars, which appear to us material, for its construction and arrangement. To guard against malicious mischief, the light should only be admitted through the upper part of the building; and to provide the utmost space for arranging the books distinctly, it should be surrounded internally with projecting partitions, having shelves on both sides, lettered and numbered (as in great public libraries) to obviate the extreme inconvenience of too long a numerical series. The Books (especially Indexes) to have two inches clear margin, and three at the bottom; and the parchment to be good, and dressed on both sides. The Land Index to contain a column for the next Town, and the number of every Town-house: and the Index of Names to contain columns for the County, Barony, date, and nature of the Instrument. Affidavits accompanying Memorials, to specify which are the two or three chief denominations, and their computed distance from the next town (naming it); but the Transcript Books to be no longer swelled with copies of the Affidavits and common Covenants at length."

"In a Commercial country it is essential that Land should be easily



**His Majesty George the Third, humbly representing, that the Public Records of the Kingdom were in many offices**

negotiable, to prevent its being monopolised, and render it instrumental to trading enterprise. All transfers or incumbrances of land should therefore be notorious, that the opulent may lend or purchase secure from fraud, and the indigent mortgage or sell unoppressed by exactions."

"It might considerably diminish the trouble and risk attending purchases, if registering (not only statutes, recognizances, and judgments, but) all wills, conveyances, and decrees affecting lands and premises (within a certain time) were made essential to their validity (at least against third persons); and if all marriage settlements, and other trust deeds, and, perhaps, all deeds of great importance, were to be also either deposited, or enrolled at length, (being first duly acknowledged by the grantors or their attornies, before a judge of some court of record, or provincial register, and certified by him,) so that attested copies of them should be evidence, under proper restrictions, and that (in the language of Lord Hale) 'the purchaser or lender may not be as much in the dark as before, and cheated under the credit of a public office erected to prevent it.'

"Persuaded, however, of the general correctness and utility of the Registry Office, we abstain from extending further this inevitably long Report, by hazarding more proposals to improve a plan, matured by the experience of a century, and repeated efforts of legislative wisdom."

*See Reports from the Commissioners appointed by the King to execute the measures recommended in an Address of the House of Commons respecting the Public Records of Ireland, pages 23 and 25.*

The remarks of the very learned and enlightened Deputy Clerk Register of Scotland upon the same subject, which are to be found in his Fourth Annual Report to the Commissioners on the Public Records, have not attracted more observation than the recommendation of the Select Committee and the Report of the Irish Sub-Commissioners. Mr. Thomson observes that Fabian Phillpps, an English writer of considerable note, who has left behind him several Treatises on the impolicy of establishing in England a Registry of Deeds and Conveyances, has, in his zeal to counteract the pestilent example of Scotland, bestowed a great deal of pains in endeavouring to explain and expose the Scotch, in a tone of violence and prejudice which can now only excite a smile. Mr. Thomson adds,—“From the general style and spirit of his Work on Registration, a reader of the present day will not be disposed to rate his understanding very high; at the same time it should not be forgotten, that even in Scotland similar prejudices were then but lately exploded. In the year 1609 the Scottish Convention of Estates passed an act abrogating the

unarranged, undescribed, and unascertained ; that many of them were exposed to erasure, alteration, and embezzle-Register of Seisins (which had been first established by statute in 1600) — ‘ the same Register serving for little or na uther use then to acquire gayne and commoditie to the clerkis keiparis thairof, and to draw His Majesties good subjects to neidles, extraordinarie, and most unnecessair trouble, tormoyle, fasherie, and expenss, howsover the generall wele and benefite of the hole estaite was pretendit, at the making of that statute.’ This clamorous denunciation of a record, which was re-established by Act of Parliament in 1617, and which has been since regarded as an object of national pride, must be ascribed in part to political animosity against the Secretary Elphinston (Lord Balmerino) by whom its original establishment had been promoted, and who had then recently fallen from his official power and influence.”

*See Appendix to First General Report from the Commissioners on Public Records, pages 253 and 254.]*

(29) [The several Reports already cited furnish numerous other examples and testimonies of the utility and importance of a knowledge of the Public Records. Some of the most remarkable occur in the elaborate Report made to the Select Committee by the Right Hon. George Rose, formerly Keeper of the Records at the Chapter House, “ whose talent and learning in records,” a competent judge has declared, “ were such as would exceed all belief in those unacquainted with it ; and whose great knowledge of the law and constitution of the land was,” it is said, “ equally remarkable.” The reader will probably not be displeased to peruse the following extracts from Mr. Rose’s return :

“ Our Records, exclusive of Domesday Book, begin at an earlier period perhaps than those of any other country in Europe ; that we have some of as early a date as the twelfth century, (notwithstanding the probable destruction of some of them during the troubles in the time of King Stephen, King John, and King Henry the Third, and the disputes between the Houses of York and Lancaster,) is probably the consequence of no foreign enemy having got possession of the capital, or indeed having invaded this country for seven centuries ; for what passed in the reign of King John, and the predatory incursions in the reigns of Richard the Second, or Henry the Sixth, can hardly be called invasions. Yet with this advantage of antiquity in our records, historical writers have not always derived the clear light from them which a more ready access to their authority could hardly have failed to produce. This observation is indeed applicable even to those in whose custody the Records were.”

“ Several of these were men remarkable for their talents and learning ;

ment, and were lodged in buildings incommodious and insecure; and that it would be beneficial to the Public

among whom were Petyt, Tyrrel, Sir Robert Filmer, Doctor Brady, Prynne, Rymer, &c. &c. &c."

"Petyt and Prynne were Keepers of the Records in the Tower; and Rymer, who was the King's Historiographer, had a warrant not only to search the Records in every office in the kingdom, but to make copies of such as he should select for publication. How diligent he was in using this authority is evident from the invaluable collection of Records, &c. published by him; and from a large collection of others in manuscript now in the Museum."

"Petyt makes a direct charge (not unfounded) against Prynne, for an intended omission of a reference to the Rolls of Parliament (2 Hen. V. p. 2, No. 10) in the Abridgment of the Rolls made by Sir Robert Cotton, and printed by Prynne."

"Even Sir Robert Atkyns, a man eminently distinguished for his integrity and his learning, as well as for his deep researches into the ancient history of Parliament, (who had been a Judge of the Common Pleas, and was afterwards Chief Baron of the Exchequer and Speaker of the House of Lords,) in his learned and elaborate argument in the year 1680, (in the case of an information by the Attorney General against Williams, Speaker of the House of Commons,) in asserting the antiquity of that House fell into some mistakes from not having resorted to the original Records; he states, and insists much on it, that the Speaker of the House of Commons, 51 Edw. III. Sir Thomas Hungerford, was Speaker of the Parliament: Whereas the words in the Record are, "Monsieur Thomas de Hungerford, Chivaler, q'i avoit les Paroles pur les Communes d' Engleterre."—*Rot. Parl.* vol. ii. p. 374, a. The 1 Richard II. the Speaker (Sir Robert says again) was termed the Speaker of the Parliament: The words in the Record are, 'Mons' Peres de la Marc Chivaler q' avoit les Paroles de par la Commune.'—Vol. iii. p. 5, b."

"The same with respect to Sir John Bussey, 20 Richard II. The words in the Record are, 'les Communes presenterent Mons' John Bussey pur leur ParLOUR.'—P. 338, a.—339, b."

"Our constitution is too well settled now to render an investigation of any of the earliest Records of real importance, with regard to its limits, or its form: but it may not be unworthy the attention of the public, as an object of laudable curiosity at least, to trace the progress of our early ancestors towards the state which is now our comfort and our boast. It is the great praise of the British Constitution, that it was formed, or rather formed itself, progressively, at different periods, by the slow and scarcely

Service that the Records and Papers contained in many of the principal offices and repositories should be methodized; and that certain of the more ancient and valuable amongst them should be printed; and humbly beseeching His Majesty, that he would be graciously pleased to give such directions thereupon, as his Majesty in his royal wisdom should think fit. And, accordingly, by commission under the sign manual, dated the 19th of July, 1800, Commissioners were appointed for giving effect to the measures recommended by the Address of the House of Commons; and as the Commissioners have died or have become less able to attend to the duties required of them, renewed commissions have from time to time been issued, appointing other Commissioners, with like powers and under like instructions. (30)

perceptible gradations to which the situation of the country gave rise. It grew to its present form by energies not perceived in their immediate operation, but gradually unfolding themselves. Its ordinances were sanctioned by experience, cautious of change, and yielding even to improvements only from a conviction of a strong necessity for adopting them. No rash or visionary speculation created, of a sudden, new powers in the government, or new privileges in the people; they flowed from the common and deliberate consent (taught by long experience of their want) calling for their adoption, to produce, or evidently to promote, the freedom, the security, and the happiness of the community. A constitution thus cautiously adopted, was jealously and firmly preserved; formed for the public good, it has been guarded by the public spirit of the nation; and like that invisible power, which is known by the exercise of its beneficence, it has been revered, obeyed, and loved."

See *First Report from the Select Committee on the Public Records*, Appendix (A. 1. a.), pages 44, 46 and 47. See also, *ante*, pages 7 and 19.]

(30) [The following are the dates of the different commissions:—the 19th of July, 1800; the 23d of May, 1806; the 25th of June, 1817; the 18th of June, 1821; the 7th of April, 1825; and the 12th of March, 1831. This last commission confers more ample powers for the regulation of the Record Offices and Repositories than any of the preceding commissions. It enjoins the commissioners to inquire into the duties of the several officers, clerks, and other ministers, having the care, custody, or management of the Public Records in all their several departments, and into the salaries, fees, and other emoluments and perquisites received by such officers, clerks, ministers, and other persons; and

It is not the aim of this compilation to notice the measures which have been carried into execution either by the Commissioners themselves, or by Government in conformity with the views of the Commissioners, or by the authority of Parliament, with respect to buildings, arrangement, transfers, the establishments of office, and the duties and emoluments of Record officers. (31) The compiler's principal object is, to diffuse a knowledge of the contents and importance of the different Works which have been printed under the direction of the Commissioners: a knowledge which, it is presumed, will contribute to increase the circulation and the utility of such publications. (32)

also into the rules, usages, and regulations of the several Record Offices, and other Repositories of Public Records, and the general course of business therein, and all matters connected therewith; and also to inquire whether any and what reforms, alterations, amendments, and improvements may be beneficially introduced therein; and more especially with a view to the better arrangement, preservation, and more convenient use of the Records and Papers; and how such reforms, alterations, amendments, and improvements may be best carried into effect.]

(31) [It is worth while to mention, that the Commissioners, in their First Report, enumerate, amongst the consequences of a more general nature resulting from the operation of the commissions, the instruction of persons, who, by their employment under the same, might acquire and transmit to others that peculiar species of knowledge which is requisite for the right understanding of Records.]

(32) [Nearly the whole of the works that have been printed were planned and commenced prior to the First General Report of the Commissioners. By that Report, made in 1812, they announced that it was not then their intention to direct the printing of any other work beyond those already directed, and there enumerated. In their Second General Report, made in 1819, they observed, that their proceedings were then drawing to a close: and they added, "It will be for the wisdom and vigilance of future times to maintain what has been now done, and to go further where it may be judged necessary; but whatever may be the result of future determination, it must be of unquestionable utility that there should always subsist, under the authority of the Crown, some specific commission of superintendence and controul, which may be called into action from time to time, for enforcing the due arrangement and preservation of the Public Records of the realm, so important also to the private rights of the subject, and for ensuring the diligence and fidelity of the officers employed in the various repositories."]

## CHAPTER III.

### ACCOUNT OF THE FORMATION, CONTENTS, AND CATALOGUES OF THE COLLECTION OF COTTONIAN MSS.

*[From the Preface to the Catalogue, printed by the  
direction of the Record Commissioners.]*

THE high estimation in which the Cottonian Library has ever been held by all persons competent to appreciate its value, is amply evinced, not only by the multitude of testimonies of learned men, who have had opportunities to notice its intrinsic value, and real importance, but more so by the great solicitude that has at all times been shown by the Legislature for its safe custody and preservation, as well whilst it continued in the possession of the illustrious family from whom it had its origin, as since it became the property of the Public.

To enumerate the many unequivocal encomiums which have from its first establishment been bestowed upon this Library by men of the first eminence in most branches of literature, would not only exceed the limits of this compilation, but also prove in some measure superfluous, since an ample detail of them has already been laid before the public by the learned compiler of its Catalogue, published in the year 1696. (1) In addition, however, to those honourable testimonies, it may not be improper to suggest, that during the above-mentioned period scarce a writer on the antiquities, the laws, the constitution, and the history

(1) Dr. Thomas Smith. [*Catalogus Librorum Manuscriptorum Bibliothecæ Cottonianæ*, with a Life of Sir Thomas Cotton, Oxon. 1696, folio.]

of this country, has neglected to avail himself of the many authentic documents deposited in this important collection; and that among our contemporaries, no one hardly ever thinks of engaging in any work or inquiry of that nature, without having recourse to the abundant information he is likely to derive from the contents of this repository.

Independently of these claims to general approbation, it is also to be observed, that a great number of legal evidences are here preserved, which have often contributed, and will no doubt hereafter be frequently called for, to determine important questions concerning titles, honours, descents, estates, prerogatives, and immunities; and cannot hence be considered as trivial by numbers of individuals, who may be involved in causes of the above description, especially in a country where the security of property is one of the main pillars of the state.

Had not Dr. Smith at the beginning of his above-mentioned Catalogue, the editors of the *Biographia Britannica*, (2) the ingenious author of the *History and Antiquities of Leicestershire*, (3) and various other late biographical writers, (4) given very circumstantial accounts of the life of Sir Robert Cotton, the founder of this Library, and of the origin, progress, and most eminent merits of his collection, a circumstantial detail of these particulars would no doubt have been expected in this place. But although an ample statement of this nature may now be deemed superfluous, yet as most of those who may have occasion to consult this Catalogue will probably think, that a very short epitome of what has already been delivered on that subject may be necessary, as an introduction to the additional facts which are to be here stated respecting the History of the Library, and the motives of the present

(2) *Biographical Dictionary*, voce Cotton.

(3) Vol. ii. p. ii. pag. 834, seq.

(4) *New and General Biographical Dictionary; Gentleman's Magazine, &c.*

publication, the following very concise sketch of the Founder's life will, it is hoped, not prove wholly unacceptable to the reader.

Sir Robert Cotton, a descendant from a very ancient family, which in the reign of Edward the Third flourished in the county of Chester, was born at Denton, near Conington, in Huntingdonshire, on the 22d of January, 1570. He was entered at Trinity College, Cambridge, where, in 1585, he took the degree of Bachelor of Arts, and where he early imbibed a taste for, and laid the foundation of his pre-eminent learning in the history and antiquities of his country. This bias, on his leaving college, was greatly increased and confirmed by the free intercourse he immediately commenced with the celebrated antiquaries, Joscelin, Lambard, Camden, Noel, and several others, who about that time (though as yet unsuccessfully) attempted to establish a Society for the Investigation of British Antiquities. Animated by the example of these assiduous collectors, he neglected no opportunity (of which abundance offered at that time) to acquire a number of chronicles, chartularies, and other original muniments, which at the late dissolution of the monasteries had found their way into the hands of private persons, who in general were by no means aware of their real importance. In these endeavours he was surpassed by none, nor was he, in fact, equalled by any of his emulous contemporaries, most of whom ultimately co-operated to increase the stock he was accumulating for the benefit of his country.

In 1599 he accompanied his friend William Camden in a journey to the north of England, where they jointly explored the whole extent of the Picts' wall, and brought away several inscriptions and monuments, which, after having been some time deposited at Sir Robert's seat at Conington, were presented to Trinity College, Cambridge, where they are still carefully preserved.



At the accession of King James the First in 1603 he was knighted; and one of his female ancestors, Maria de Weshenham, the wife of William Cotton, his fifth progenitor, being descended from the family of the Bruces in Scotland, the king usually honoured him with the appellation of *Cousin*. And we accordingly find that he ever after usually subjoined the name of Bruce to that of Cotton, and caused the royal arms of Scotland to be added to his own armorial bearings.

In the year 1608 he was appointed one of the Commissioners for inquiring into the State of the Navy. And in 1611, having been the principal promoter of the plan for the establishment of the order of Baronets, he was himself raised to that rank, being created the thirty-sixth in succession at the first nomination.

After having been, during upwards of thirty years, a distinguished ornament to his country, and the principal oracle to which men in the highest stations recurred for accurate information and advice in all matters relating to the history, the rights, and the constitution of the kingdom, during which period he produced upwards of thirty tracts or dissertations, chiefly on political and constitutional subjects, most of them written at the desire of men in power, if not at the express command of his sovereign; it is no doubt greatly to be lamented that a life so meritorious should, towards its close, have been embittered by base calumny, and the arbitrary proceedings of those from whom he had an undoubted right to expect distinguished favour and protection.

When in the year 1615 Robert Carr, whom the king's favour had rapidly raised to the rank of Earl of Somerset, became implicated in the charge of having been accessory to the murder of Sir Thomas Overbury, the earl, having ever since his exaltation been in habits of intimacy with Sir Robert Cotton, had immediate recourse to him both

for advice and assistance in his perplexity, and thereby drew upon his friend a suspicion of connivance, if not of interference, from which he was called upon to clear himself before the Privy Council. He was even committed to the custody of an alderman of London; nor, although nothing could be proved against him, was he released from this confinement till five months after, when the whole affair was terminated by the pardon the king was pleased to grant to the Earl, and to the Countess of Essex.

About the same time the unpardonable inadvertency, or rather the execrable perfidy of Gondemar, the Spanish ambassador, drew on Sir Robert Cotton another imputation, of which, however, the calumniator soon found it necessary to acquit him by his own unqualified confession. A list he suffered to go abroad of persons who had secretly received pecuniary gratuities at his hands for sinister purposes, was found to contain the ever-venerable name of Sir Robert; but being called upon from authority either to prove or contradict the opprobrious charge, he revoked his declaration by asserting that one of his secretaries had unawares inserted the name in the list. Although Sir Robert's honour was perfectly vindicated in both these instances, yet such transactions, in a mind so upright as his, could not fail to cause much agitation, and to disturb the tranquillity of a life addicted to none but useful and laudable pursuits. On one of these occasions this excellent character had the mortification of seeing himself for a time excluded from his own library; the Privy Council, by whose order it was locked up, deeming its contents of too great importance to be exposed in the manner in which the liberal owner suffered them to be inspected. From a commission of James the First, dated Oct. 26, 1615, for the examination of Sir Robert Cotton, on a charge of having communicated the valuable state papers in his library to the Spanish ambassador, who had caused them

to be copied and translated into the Spanish tongue, we have reason to conclude that this circumstance happened on the latter of these occasions. (5)

The anxiety to which these transactions must have given rise was, however, trifling, compared to what he must have felt when, either by the neglect or the dishonesty of persons in whom he had placed confidence, another suspicion arose against him, which for a time deprived him of the favour of his sovereign, once more excluded him from the use of his library, and, according to his own declaration, greatly contributed to abridge his days. (6) In 1629 a tract was handed about in MS. entitled, "A project how a Prince may make himself an absolute Tyrant." The inquiries that were immediately made for the author of so pernicious a performance led, at length, to the Cottonian Library. Sir Robert, perfectly conscious of his innocence, made strict inquiry into the transaction, and soon found that a copy of this tract, written at Florence in 1613, by Robert Dudley, Duke of Northumberland, under the less exceptionable title of "Propositions for his Majesty's service to bridle the impertinency of Parliaments," had, unknown to him, found its way into his library; that, likewise without his knowledge, his librarian or amanuensis had, as is suspected for pecuniary considerations, suffered one or more copies of it to be taken under the former of these titles, and thus drew the fatal imputation to fall upon one who, though perfectly free from guilt, could not long survive a suspicion so injurious though so groundless. Although he completely vindicated his innocence of having written or disseminated a tract so destructive to the liberties of the people, of which he had ever shown himself a most zealous friend and advocate, yet, under the

(5) [A copy of this Commission is prefixed to the Catalogue of 1777 mentioned in a subsequent page.]

(6) [See *Rymer, Fœdera*, vol. xix. p. 198.]

renewed pretence that his library was not of a nature to be exposed to public inspection, it was again put in sequestration, and himself once more excluded from all access to it. What effect this must have had upon his wounded mind may easily be gathered from the visible decline of his health ever after, Sir Robert frequently declaring to his friends, "that they had broken his heart who had locked up his library from him." Shortly before his death he caused to be signified to the Privy Council "that their so long detaining his books from him, without rendering any reason for the same, had been the cause of his mortal malady." He died on the 6th of May, 1631, aged sixty years, three months and fifteen days, and was buried on the south side of the church of Conington, where a suitable monument was erected to his ever-revered memory.

That his library continued in sequestration some time after his death, appears manifest from the petition of Sir Thomas Cotton, his only son and heir, wherein he states that his study had been a long time locked up, and himself debarred from the use of it; and that it appearing from a schedule of the contents of the said library prepared for the purpose, (7) that there were no books or papers therein but such as were the undoubted property of the petitioner, he therefore humbly prayed that he might henceforth have the free use of his study, it being the best room in his house. (8)

(7) A large roll on vellum now extant in the library, which contains a compendious Catalogue of the same, digested in a systematic order, is probably the above-mentioned schedule, which is said in the petition to have been compiled by Mr. Dickinson. From a transcript of this Roll, given him by Mr. Astle, Mr. S. Hooper printed the 8vo. edition of the Catalogue, which he published in the year 1777. [*A Catalogue of the MSS. in the Cottonian Library, with Emendations and Additions, an Account of the Damage sustained by Fire in 1731, and a Catalogue of the Charters in the said Library*, 8vo. 1777. The Catalogue of Charters was published from the MSS. of the Rev. Mr. Widmore, who had for many years the care of the Collection.]

(8) [The Petition is printed p. ix. of the Catalogue mentioned in the preceding note.]

Although no record appears to be extant that the prayer of this petition was complied with, yet there is every reason to believe that it was soon after granted; and that Sir Thomas, to whom the property had devolved, continued to the day of his death, which happened in the year 1662, in quiet possession of his library.

We are informed by Stukeley that — Bromsall, Esq, of Blunham, in Bedfordshire, high sheriff for the county of Bedford in the year 1650, was greatly instrumental in preserving this inestimable treasure during the convulsions of the civil wars, in which all documents of a constitutional and legal nature were industriously sought after, in order to be destroyed (9).

Sir Thomas Cotton was succeeded by Sir John, his eldest son, and he, too, appears to have been never molested in the free enjoyment of his library. During the latter part of his life he readily permitted Dr. Thomas Smith to compile the Catalogue of the Collection, which was printed at Oxford in the year 1696 (10).

The next, and respecting the public the most important, transaction concerning this library is recorded in the statute made in the year 1700, (11) entitled, "An Act for the better settling and preserving the Library kept in the house at Westminster called Cotton House, in the name and family of the Cottons, for the benefit of the public." This act, after doing ample justice to Sir Robert Cotton for forming a most valuable collection of manuscripts,

(9) V. *Stukeley, Itin. Curios.* p. 74. The library appears to have been then deposited at Stratton, in Bedfordshire, to which place it was probably removed for the sake of security; Sir Thomas's eldest son, afterwards Sir John Cotton, having married Dorothy, heiress of Edmund Anderson, Esq. of that place.

(10) The books were deposited in fourteen presses, over which were placed the busts of the twelve Cæsars, and of Cleopatra and Faustina, whence the press-marks given to the volumes in its several Catalogues, which have necessarily been retained to this day.

(11) 12 & 13 Will. III. c. 7.

papers, records, &c. (12) "of great use and service for the knowledge and preservation of our constitution in church and state, and generally esteemed the best of its kind now any where extant;" and reciting that the same had been carefully preserved, and much augmented and enlarged by Sir Thomas the son, and Sir John the grandson of the said Sir Robert Cotton, declares "that the said Sir John Cotton, in pursuance of the desire and intentions of his father and grandfather, is content and willing that his mansion-house and library should continue in his family and name, and that it be kept and preserved by the name of the Cottonian Library, for public use and advantage."

After this preamble, so honourable to the collectors, and so decisive in favour of the utility and importance of the collection, the statute enacts, that after Sir John Cotton's death, the said library, together with his mansion-house and its appurtenances, be vested in trustees; the house for the use of the descendants of Sir Robert Cotton, the founder, for ever; and the library to be carefully preserved for the public use, without suffering any alienation or embezzlement upon any account whatever.

The first concern of the trustees appointed by this act was to cause the library to be carefully inspected, in order to ascertain and identify its contents, that they might render the keeper, whom they were to appoint to the care of it, responsible for the security of the same. For this purpose they named Matthew Hutton, John Anstis, and Humphrey Wanley, three of the most eminent antiquaries of those days, to examine carefully into the state of it, and report to them concerning its extent and state of preservation. This report, dated June 22d, 1703, is extant in

(12) Besides the Library of Manuscripts, this repository contained also a considerable number of valuable Coins, chiefly Saxon and old English, and several antiquities, Roman and English, all which are now incorporated in the Collections of the British Museum.

manuscript in the British Museum, from which it appears that they compared all the volumes in the library with the entries in Dr. Smith's Catalogue, and ascertained the number of pages in each volume; but that, being limited for time, they did not make any material corrections in the said Catalogue, which they acknowledged to be in several places materially defective. They likewise represented many of the volumes to be in a state of decay, and the place where the library was kept not altogether calculated for its preservation.

The solicitude of the legislature to have this important collection effectually secured for the use of the public, induced them soon after to frame a new statute, entitled "An Act for the better securing her Majesty's purchase of Cotton House in Westminster," (13) in which, after reciting that the library, in its present situation, was by no means in the state of security, nor of the degree of utility it was intended to be: and that "to the intent so great a treasure of books and manuscripts, so generously given for the public service, might not remain any longer useless; and that it might be in her majesty's power to make this most valuable collection useful to her own subjects, and to all learned strangers;" an agreement had been made with Sir John Cotton, grandson to the donor, for the purchase of the inheritance of the house where the library was deposited, (14) for the sum of £4,500—which purchase could not have been made without an act of parliament, the preceding act concerning this library having directed that the house should not be sold or alienated—it was provided, that the said house be henceforth vested in the queen, her heirs and successors for ever.

(13) 5 Anne, c. 30.

(14) This house, situate behind a part of the House of Commons, is still called Cotton House, and is now converted into a residence for the chief clerk of the House of Commons.

Whether it was for the purpose of erecting a new building for the reception of the library on the site of the said house, which indeed was directed by the last-mentioned act, or for what other reason, does not at present appear; but we are informed, in a subsequent Report of a Committee of the House of Commons, that the library was, in the year 1712, removed to Essex House, in Essex Street, Strand, where it continued to the year 1730, when it was conveyed back to Westminster, and deposited in a house in Little Dean's Yard, purchased by the crown of Lord Ashburnham.

Here shortly after, viz. on the 23d of October, 1731, in the morning, a fire broke out, which destroyed several, and damaged many of the manuscripts, and was near proving fatal to the whole library; what remained was removed, by permission of the dean and chapter, into a new building designed for the dormitory of Westminster School; and the trustees (particularly Mr. Speaker Onslow, who instantly, upon hearing of the fire, hastened to the spot, and personally assisted in rescuing all that could be saved from the flames) immediately took the most effectual steps in their power for retrieving as much of the damage as could be repaired. They took the opinion of several of the most experienced officers entrusted with public records, concerning the best expedients in this emergency, and proceeded in the manner suggested by them in redressing the injury. Nor was the House of Commons inattentive to this misfortune, since we find a Report of a Committee appointed by them to view the Cottonian Library, and other public records of the kingdom, dated May 9, 1732, in which an ample account is given of the accident itself, and of the measures that were adopted in consequence of the damage it occasioned. (15) To this report is likewise added an Appendix, showing

(15) [See *ante*, p. 14.]



at large what manuscripts had been wholly destroyed or materially injured, that persons, who might be possessed of copies of them, might have an opportunity of contributing to the reparation of the loss by communicating those transcripts.

When at length, in the year 1753, the legislature was induced by the will of Sir Hans Sloane, Bart. to purchase his extensive collection of Natural and Artificial Curiosities, and to establish a national repository under the name of the British Museum, it did not escape them how valuable and important an addition the Cottonian Library would be to an establishment of such great public utility. The Act, therefore, made in that year, after reciting the weighty motives that prompted them thereto, directed that the said library should be deposited in the above-mentioned Museum; and that two trustees, to be nominated in succession by the representatives of the Cotton family, should be for ever added to those appointed by this Act for the execution of the purposes thereof.

It remains now to state what steps the Curators of the British Museum took in order to fulfil the intentions of the founder, the donor, and the legislature, respecting this important part of their trust. After causing the library to be carefully deposited in a safe and conspicuous part of the department of manuscripts, they, being aware that much remained to be done, in order to render it as useful as the nature of its contents would admit of, in the year 1793, directed the keeper of that department to take every step that might be deemed advisable to restore such of the damaged volumes as were thought yet capable of some further repairs, and the imperfection of Smith's Repertory having been repeatedly complained of, to prepare a new and more accurate Catalogue without delay. The following account of the manner in which the keeper endeavoured to acquit himself of this task will,

at the same time, convey the best idea that can be given of the present state of the library.

This library, which originally consisted of 958 volumes, was by the above-mentioned fire, in the year 1731, reduced to 861 volumes, of which, when brought to the Museum, 105 were damaged bundles preserved in cases. Many of the volumes in bindings were not paged at all; and few, indeed, were paged with accuracy. In several of them there were evident marks that leaves had been purloined; and some had been bound up with much irregularity and disorder. Concerning the bundles in cases, the Committee of the House of Commons, who, in the year 1732, examined into the damage occasioned by the fire, reported that several of them might, in careful hands, be so far restored as to be rendered useful. But this was afterwards rendered a task of much greater difficulty; the persons, by whom they had been occasionally handled, having thrown them into great, and in many instances irretrievable confusion.

With respect to Dr. Smith's Catalogue, the number of articles entered in it does not much exceed 6,200, which, it will be seen hereafter, is not a fourth part of the contents of these 861 volumes. The chief omissions are in the State Papers and Collections of small detached Tracts, of which there are no less than 170 volumes. Most of these are entered only as single articles, whereas, upon an average, each of them contains at least 100 distinct pieces. About 80 of these volumes, as Sir William Dugdale informs us in his *Life*, (16) were by him found in loose bundles, and caused to be bound up, but unfortunately without any order as to persons, times, or matter; whence it follows that they have been hitherto little used, because little known, and almost inaccessible for want of proper calendars.

Many of the other articles, especially the Biblical Books, Liturgies, Chronicles, &c. have, it must be owned, been described with sufficient accuracy, so as to leave little room for emendation. But, in other instances, the learned compiler has inadvertently suffered such mistakes to escape him, as rendered a careful examination of the whole Catalogue indispensably necessary. These defects were noticed, and in a few instances supplied, by Mr. David Casley, in an Appendix to his Catalogue of the King's Library of MSS.(17) The learned Humphrey Wanley, observing in how jejune and superficial a manner the Saxon MSS. had been described, drew up very ample accounts of them, which have been published in the second volume of Hicks's *Thesaurus*;(18) and several other men of learning have since pointed out and lamented many instances of omission and inaccuracy, which greatly diminish the utility of the Catalogue. Among the more striking of these imperfections are the ascribing to Chaucer a volume of poems by Hampole and others; the entering Lydgate's *Siege of Troy* as an anonymous poem; Comestor's *Bible Historiaux* as a common French version of the Bible; *Marbodæus de Gemmis* as a work of Evax, King of Arabia, &c.

The first care of the editor of the Catalogue, on entering upon his task, was to cause all the volumes to be regularly paged, or at least the old paging to be accurately ascertained, without, however, obliterating the old numbers, since that would have proved fatal to the many references, that have been made to these MSS. He then proceeded to examine the bundles in cases, and found means, after many repeated and not a few unsuccessful attempts, to arrange several volumes and parts of volumes of State Papers.

(17) [*Catalogue of the Manuscripts of the King's Library, with an Appendix to the Catalogue of the Cottonian Library*, Lond. 1734, 4to.]

(18) [Page 183. *Catalogus Cod. MSS. Anglo-Saxonicorum Bibliothecæ Cottonianæ quæ est Westmonasterii.*]

Some of the shrivelled MSS. on vellum he likewise found capable of being restored, though not without great care and dexterity on the part of the bookbinder. Fifty-one of the above 105 damaged MSS. have been restored, which are now bound in 44 volumes ; and though several of these be still defective, especially where parts have been consumed or defaced by fire, yet, upon the whole, it will be found that much useful and authentic information is still preserved in them. The remaining 61 bundles have appeared irretrievable ; and indeed most of them seem to be obscure tracts and fragments of little or no importance. They are now contained in 62 cases.

This done, the editor applied himself to the compilation of the Catalogue. And here each separate article has been entered in its successive order, (19) under as short and yet comprehensive a title as could be devised, which, especially in the multitude of letters and tracts in a great variety of antiquated languages and hand-writings, and without either argument or rubrics, was attended with no small degree of difficulty and labour. Particular pains have been taken to discover the true authors of anonymous and pseudonymous works ; in many instances, especially in anonymous poems, the first lines have been transcribed in the Catalogue in order to identify the piece. Notice has been taken of those works that have been published, and references have been made to the titles of the publications, or to the collections in which they have been edited. All possible endeavours have been used to ascertain the dates of the Letters and State Papers, where (as

(19) It was with great reluctance that the intention of digesting the Catalogue into a systematic order was relinquished ; the number of articles that could not possibly be reduced under particular classes being so great, that nothing more satisfactory in this respect could have been produced than what is afforded by Hooper's above-mentioned Catalogue. A copious Index, on which more than ordinary pains have been bestowed, will, it is hoped, in some measure supply this want of systematic arrangement.

has but too often been the case in the last and the preceding century) the writers have omitted them ; and even approximations, with marks of interrogation, have been inserted, where the exact dates could not be obtained. The folio of each article has been entered ; and the number of folios in each volume has been noted, both in the Catalogue and at the end of the volume, in hopes thereby to prevent all future mutilation, or at least to lay it open to detection. The form of each volume, the material on which it is written, and its age, if prior to the fifteenth century, when it could be ascertained with any degree of probability, have likewise been described in the Catalogue.

The Catalogue was drawn up by Mr. Planta.

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## CHAPTER IV.

### ACCOUNT OF THE FORMATION, CONTENTS, AND CATALOGUES OF THE COLLECTION OF HARLEIAN MSS.

*[From the First Preface to the First Volume of the Catalogue printed by the direction of the Record Commissioners.](1)*

THE great repute in which the Harleian Collection of Manuscripts has for several years past been held, not only in England but throughout Europe, the many useful materials already drawn from its stores, as well by foreigners as our own countrymen, and the rank it justly claims amongst the most celebrated Libraries at present subsisting, have induced the learned world to express an impatience for a more intimate knowledge of its contents. In order therefore to give the requisite satisfaction, and that every student may, with as little inconvenience to himself as possible, be informed with what helps this treasury of erudition will furnish him in promoting his researches, the Catalogue, together with a copious Index, has been submitted to the public.

This Collection of Manuscripts was begun towards the latter end of the last century, by Robert Harley, of Brampton Bryan, in the county of Hereford, Esq., who, on the 11th February, 1700-1, was chosen Speaker of the House of Commons; on the 24th of May, 1711, was created Earl of Oxford and Mortimer; and five days

(1) [This is the Preface to the *Catalogue of the Harleian Collection of Manuscripts*, published by order of the Trustees of the British Museum, in 1759. 2 vols. folio. It is said to have been written by Mr. Astle, who also compiled the Index to the Catalogue. See Watt, *Bibliotheca Britannica*, Art. *Astle*.]

afterwards promoted to the important station of Lord High Treasurer of Great Britain. An innate love of science, the exemplary attachment of several of his ancestors to literature, (1) and a strong propensity to search into the transactions of former ages, had determined him, in the early part of his life, to purchase whatsoever curious Manuscripts he could meet with, more especially such as in anywise tend to explain and illustrate the History, Laws, Customs, and Antiquities of his native country—Mr. Harley, in this respect, adopting the plan of the great Sir Robert Cotton, whose name must always be mentioned with honour, and whose memory cannot fail of exciting the warmest sentiments of gratitude, while the smallest regard for learning subsists amongst us.

¶ A design so truly noble and commendable, was worthy of a person of that rank and fortune, to which Mr. Harley arrived. His extensive learning, and the correspondence which he had cultivated, and constantly carried on with the *literati*, both at home and abroad, were happily adapted to his executing it with success.

But amongst the several difficulties which occurred to his obtaining any considerable number of rare Manuscripts, a very material, and seemingly insurmountable obstacle, offered. The reapers had already been in the field, and gathered in a plentiful harvest, so that little, if any thing, seemed to be left to reward his researches, except a few gleanings accidentally scattered in obscure corners.

That such a presumption was not altogether ill founded, will appear by a short review of the principal Manuscript

(1) Many of the family had shown a remarkable fondness for books. His grandfather, Sir Robert Harley, Knight of the Bath, had, at his seat at Brampton Bryan Castle, a library of manuscripts and printed books, collected from one descent to another, and valued at £1,000. This, together with the Castle and Church of Brampton, &c. was, during the troubles of King Charles the First, destroyed by the Parliament army, and renewed by his son Sir Edward Harley, Knight of the Bath.

Libraries now extant, and of the labours of preceding collectors of Manuscripts, as also by the manner in which they respectively disposed of their literary acquisitions.

It is well known, that until the reign of King Henry the Eighth learning had been several ages at a low ebb, especially among the laity in England, where the tumultuary state of the nation, and the long wars between the houses of York and Lancaster, had found them employment widely different from the pursuit of letters. Hence, in this kingdom, the two Universities, the Cathedral Churches, the Abbeys, and other Religious Houses, became the only repositories of books of erudition. Even they were but scantily supplied: and it is probable that the greatest part of such books as their libraries were then furnished with had been picked up with difficulty, and by slow degrees only, by ecclesiastics, in their occasional journies to Rome and divers parts of Europe. We have no account transmitted to us of any considerable number of valuable books being, at any one time, preceding the Reformation, introduced into England; except the collections made by order of Humphrey Duke of Gloucester, for his library at Oxford, and the curious Greek books brought hither by the prelates and other dignitaries of that Church after the taking of Constantinople, which Archbishop Warham soon after purchased and presented to New College.

King Henry the Eighth, soon after the general dissolution of religious houses, founded the Royal Library, for the use of the princes of the blood, placing therein many choice MSS. collected by John Leland and others, out of the spoils of the monasteries.(2)

Towards the end of Queen Elizabeth's reign, Sir

(2) This library was afterwards considerably augmented by his successors, and is now preserved in the British Museum, by order of his late Majesty King George the Second.



Thomas Bodley turned his thoughts to the reinstating of the public library at Oxford, then in a ruinous condition, and to the adorning of it not only with printed books, but with whatever Manuscripts could at that time be procured. To this end he quitted the Court, and dedicated the remainder of his life to the searching after and purchasing books and manuscripts at home, while his agents abroad ransacked almost every part of Europe for the like literary supplies. By these means he had the satisfaction of furnishing that library with one thousand two hundred and ninety-four rare MSS. which by the subsequent liberality of William Earl of Pembroke, Sir Kenelm Digby, Archbishop Laud, Mr. Selden, Sir Thomas Roe, Lord Fairfax, Bishop Barlow, Franciscus Junius, Dr. Huntington, Sir Henry Savill, Dr. Pocock, Mr. Dodsworth, and others, were increased to six thousand eight hundred and eighteen volumes, exclusive of eighteen hundred and ninety-eight deposited in the Ashmolean Museum.

Bodley's great cotemporary, Sir Robert Cotton, had been equally diligent in collecting ancient MSS. The study of antiquities, particularly those of this kingdom, had engaged his attention, though he always showed a high regard for every part of philological learning, in all which he was extremely conversant. He had observed with regret, that the History, Laws and Constitution of Britain, were in general very insufficiently understood; and being fully convinced, that the preservation of such monuments of antiquity, and other documents, as were conducive to render the knowledge of them, and their deductions from their primary state, more accurate and universal, would necessarily redound to the advantage of the public, he had, in an expensive and indefatigable labour of upwards of forty years, accumulated those numerous and inestimable treasures which compose the Cottonian Library, and now remain an indisputable testi-

mony of his benevolent disposition towards his native country.

But happily, these patrons of literature lived in an age peculiarly favourable to the completion of their respective purposes, and more especially to those of the latter. The late dissolution of religious houses had dispersed an infinite number of curious MSS., many of these were secured by the nobility and gentry;(3) but no inconsiderable number falling into the hands of peasants, mechanics, and other persons ignorant of their importance, and totally inattentive to their preservation, were easily to be purchased. From this source Sir Robert Cotton had supplied his library with a multitude of rare MSS. and to them Mr. Camden, Mr. Lambert, Dr. Dee, and Sir Christopher Hatton, had kindly contributed their stores.

Matthew Parker, Archbishop of Canterbury, had before taken the same opportunity of repositing a good number of excellent MSS. both in the Public Library and in that of Corpus Christi College in Cambridge; and many considerable augmentations of the like kind had been made to the libraries of the several colleges in the two Universities, as also to those of our Cathedral Churches, the Palace at Lambeth, and the College of Arms.

Thomas Earl of Arundel had made large collections of MSS. which afterwards were presented to the Royal Society, by his grandson Henry Duke of Norfolk.

The Inns of Court had procured, for their respective libraries, divers excellent ancient Manuscripts, relating to the municipal laws of this and the neighbouring kingdoms; and Mr. Vaughan of Hengwrt had hoarded up, and perpetuated to his family, most of the valuable Manu-

(3) See *Leland's New Year's Gift to Henry the Eighth*.

scripts relating to the principality of Wales, and the history of the ancient Britons.

The possessors of lands heretofore belonging to Abbeys, Priories, &c. being apprised that the ancient Chartularies, Registers, Ledger-Books, and other Muniments of those Religious Houses, might be of infinite use in discovering and evincing the various rights, privileges, and immunities annexed to those estates, had been industrious in collecting them, in order to their being religiously preserved amongst their other family evidences: and as a taste for letters increased, many curious persons were vying with each other in the curiosities and other literary furniture of their respective libraries.

A similar passion for collecting MSS. and forming as well private as public libraries, had long displayed itself in many other parts of Europe. Pope Sixtus the Fifth, on his rebuilding the Vatican Library, in the year 1588, had used his utmost efforts to improve it, by the addition of the most valuable MSS. His influence had procured it large supplies, and most of the succeeding pontiffs, particularly Pope Clement the Eleventh, (4) having in that respect followed his example, their agents and dependents had, from time to time, interested themselves, and that with great success, for its further augmentation.

Large collections of MSS. had been placed in the archives of the Church of St. Peter, and in the following Libraries, viz. of the Fathers of St. Basil, the Dominicans of Sancta Maria Sopra Minerva, and the Palaces of Ottoni, Chigi, Barberini and Altieri, at Rome; the Con-

(4) Pope Clement the Eleventh purchased and added to the Vatican most of the oriental MSS. which were to be found in Egypt, when the Coptic Patriarch made an overture for an union between the Romish and Eastern Churches. See Father Asseman's *Bibliotheca Orientalis Clementina Vaticana*. Romæ, 1719, &c. Folio.

vents of St. Severini, Monte Cassini, Monte Oliveto,(5) and St. John de Carbonara, at Naples; the Royal Palace, and the University of Turin; the Ducal Palace at Modena; the Ambrosian College at Milan; the Laurentian,(6) Benedictine, and Dominican Convents at Florence; the Ducal Palace at Parma; St. Mark at Venice; the Canons Regular at Bologna; and in other libraries in Italy.

Most of the Manuscript collections made by the German literati had been swallowed up by the Imperial Library at Vienna,(7) which, after all the monasteries in Austria, by the special order of the Emperor Maximilian the First, had been, as it were, pillaged of their Manuscripts, for its enrichment, was further increased by the acquisition of a great part of the once celebrated Buda Library.(8)

Plentiful supplies of the like kind had been thrown into the Clementine College at Prague, the Ducal Library at Gotha, the Magistrates' Library at Leipsic, and the Libraries of the Universities of Jena, Leipsic, and Leyden.

The Heidelberg Library, very famous on account of the many fine MSS. wherewith it was replete, had been further greatly enriched a little before the disturbance in Germany occasioned its being removed into the Vatican.

No small number of Manuscripts had been purchased for the increase of the Royal Library at Dresden. Queen Christina had not only possessed herself of the rich MS. Library of Petavius, and many choice Manuscripts taken

(5) This library was founded by Alphonso the Second.

(6) Founded anno 1570, by Cosmo de Medicis, first great duke of Tuscany, and dedicated to public use by Pope Clement the Seventh.

(7) Vide *Lambecii Bibliotheca Vindobonensis*.

(8) This library was collected by Matthew Corvinus, king of Hungary, who died in the year 1490, but was afterwards partly destroyed, and partly dispersed, by the Turks, when, under the command of Solymán, they sacked Buda in the year 1526.

by her father, the great Gustavus Adolphus, from the library of the royal palace at Prague, and many towns in Germany; but had even drained Sweden and the north of those numerous Manuscripts, that she carried with her to Rome, and which, after her death, were divided between the Vatican and Ottoboni Libraries.(9)

The French King's Library, from its first institution by Francis the First, had been continually and wonderfully increasing, and afterwards received an augmentation of no less than ten thousand MSS. by the procurement of Cardinal de Fleury, who incessantly exerted his utmost endeavours for its further supply.

The religious houses in Europe had always shown a particular zeal for the possession of Manuscripts, and continued indefatigable in soliciting and encouraging their patrons and benefactors to search out the like valuable treasures, and present them to their libraries.

Such rare books as were found in the several famous seminaries of literature in Africa, and brought into Spain, had, together with a great number of Eastern Manuscripts, been collected, and lodged in the Escorial. Constantinople and Greece had been nearly exhausted of their Manuscripts by the European travellers in those parts; particularly by John Lascaris,(10) for the Laurentian Medicean at Florence, by Cardinal Bessarion, for those numerous MSS. which he left by his will to the

(9) The library of Queen Christina came, after her death, to the family of Ottoboni, of which Pope Alexander the Eighth was the head. He, in the year 1691, placed nineteen hundred of her MSS. in one of the galleries of the Vatican Library, and gave it the appellation of *Bibliotheca Alexandrina*, in honour to the memory of Christina, who had the additional name of *Alexandrina* given her by Pope Alexander the Seventh, when she abjured, before him, the Lutheran religion.

(10) He was sent by Lorenzo de Medicis twice into Greece in search of ancient MSS.

public library at Venice,(11) by Leo Allatius, for the Barberini Library, and by the Abbé St. Sevin and others, for the Royal Library at Paris.(12)

After so many Manuscripts had been thus secured in public libraries, and such a variety of industry used for the supply of those sacred magazines of learning, the prospect of furnishing a new library with any considerable number of choice MSS. was very unpromising. But whatever discouragements it might suggest to Mr. Harley, they were far from checking his attempts. He resolved to persevere and steadily pursue his plan. He soon had the satisfaction of finding his endeavours attended with remarkable success; for although the first considerable collection which he purchased was in August, 1705, we are assured by a learned prelate of our Church,(13) (who well knew,) that in less than ten years he had got together near 2,500 curious and rare MSS. in different branches of literature; amongst which were those of Sir Simon D'Ewes, the Suffolk antiquary, Mr. John Stow, author of the *Survey of London*, Mr. Charles, Lancaster Herald, and John Fox, the Martyrologist.

These unexpected and pleasing acquisitions would alone have sufficiently encouraged a person less devoted to the love of antiquity, than Mr. Harley, to continue the pursuit with vigour; but he met with still further and irresistible inducements. Dr. George Hicks, the great

(11) They consist of 980 volumes, whereof 625 are Greek, and were for the most part collected in Greece and Constantinople. We are told by Ciacconius, Jovius, and Fabricius, that the Cardinal was better skilled in ancient MSS. than any other person of his time. And the Cardinal himself, in one of his letters, mentions that he spent all his time and fortune in collecting and transcribing the most scarce MSS. See the preface to *Græca S. Marci Bibliothecæ Codicum Manuscriptorum.—Venetiis*, 1740. Folio.

(12) He travelled into the East, by order of Cardinal Fleury, to buy MSS. for the French King's Library.

(13) Bishop Nicholson.

restorer of northern learning, Mr. Anstis, Garter King at Arms, Bishop Nicholson, Colonel Worsley, Sir Gilbert Dolben, Mr. Prior, Dr. Stratford, Canon of Christ Church, Sir Thomas Hoby, Peter Le Neve, Esq., and other eminent antiquaries, not only offered him their assistance in procuring MSS., but presented him with several which were extremely valuable. Thus excited, he determined to lose no time in bringing to maturity a design which he had so successfully begun; and therefore whilst engaged in the service of the state, he was constantly attentive to the enlarging of his collection; and after his retirement from public business, spent the remainder of his days in an unwearied application to the gaining of further accessions to his library, not sparing any costs necessary for that purpose. He likewise kept many persons employed in purchasing Manuscripts for him abroad, giving them such written instructions for their conduct in that respect, as sufficiently manifest the exact knowledge he had acquired as well of every curious Manuscript, as of the person, circumstances, and residence of its possessor.(14) By these means the Manuscript Library was, in the year

(14) The reader, perhaps, will not be displeased with the perusal of one of these instructions; it is as follows, viz. :—

“ Mr. Andrew Hay,

“ You being upon your departure towards France and Italy, by my noble lord’s order, I give you this commission; not *now* expecting that you can execute every part of it in this journey, but yet hoping that you will dispatch those articles which are of the greatest importance, and put the others into a proper posture, against the time of your next return thither.

“ In Paris, Father Bernard Montfaucon has some Coptic, Syriac, and other Manuscripts worth the buying. Among them is an old leaf of the Greek Septuagint, written in uncial or capital letters.—Buy these, and the leaden book he gave to Cardinal Bouillon, if he can procure it for you, or direct you to it.

“ In the archives of the Cistercian monastery of Clervaulx (or Clara-valle), I am told there are some original Letters, or Epistles, written by the hand of

1721, increased to near six thousand Books, fourteen thousand Original Charters, and five hundred Rolls. (15)

St. Hierome upon *phylira*, or bark.—One or more of these will be acceptable, if not too outrageously valued.

“ The Duke of Savoy has many Greek MSS., as also the Egyptian Board, or Table of Isis, adorned with hieroglyphics; being that which have been explained by Pignorius, Kircherus, &c.—Let me have some account of these.

“ At Venice, buy a sett of the Greek Liturgical Books printed there; I mean a sett all of the first edition, if they may be had: if not, let us have the other. Buy also *Thomassini Bibliotheca Veneta*, in quarto. Get a catalogue of Mr. Smith's MSS. there, and inquire how matters go about Giustiniani's Greek MSS. In the bookseller's shops, &c. you may frequently pick up Greek MSS. which the Greeks bring from the Morea, and other parts of the Levant.

“ Remember to get the fragments of Greek MSS. you left with the bookseller, who bought Maffeo's library.

“ The family of Moscardi, at Verona, have many valuable antiquities; and among the rest, four Instruments of the Emperor Theodosius, junior, (now imperfect) written upon *phylira*.—These must be bought, and especial care taken of them. The first begins,—*dem relectis*. The second—*ius vir in Ast*. The third *ius vir in*.—The fourth—*ni Siciensis*.

“ At Florence, the Dominicans, or Franciscans, have a large collection of Greek MSS.—You may see them, and get a catalogue of them, if you can. Buy Ernstius, or some other catalogue of the Grand Duke's MSS.

“ At Milan, in the Ambrosian Library, is a very ancient Catullus; part of Josephus in Latin, written upon bark. A Samaritan Pentateuch in octavo, part of the Syriac Bible, in the ancient, or *Estrangele* characters; divers Greek MSS. in capital letters, being parts of the Bible; with other books of great antiquity, both Greek and Latin.—You may look upon them and send me some account.

“ At Monza (about ten miles from Milan) is an imperfect *Antiphonarium Gregarii I. Pape*. It is all written upon purple coloured parchment, with capital letters of gold.—Buy this if you can.

“ The family of Septata, at Milan, have a Latin writing upon bark. Buy this, if it will be parted with.

“ In the archives of the Church of Ravenna, are divers Instruments written upon bark.—You may see them.

“ At Rome, the Greek Monks of St. Basil have very many old Greek MSS. written in capitals, particularly a book of the iv Gospels, and some pieces of St. Gregory Nazianzen upon St. Paul's Epistles.—Buy as many as you can, for I hear they are poor, and therefore they may sell the cheaper. They have likewise a Greek Charter of Roger, King of Sicily, in five pieces, together with



**This great encourager of literature died on the 21st of May, 1724.(16)**

some other Instruments in Greek, written upon bark or vellum.—Buy these also, if you can.

“ The Fathers of the Oratory at Rome (*Monasterium Vallicellianum*) have many very ancient MSS. both Greek and Latin.—See them at least, even supposing that they will not sell.

“ In the Cathedral Library at Pisa are many ancient MSS.—Let me have some account of these also.

“ The monks of Bovio (*in Monasterio Bobiensi*, near, if not in Pavia) have many very ancient MSS. and among the rest a Book of the Gospels in Latin, wherein St. Luke is written *Lucanus*. They have many old deeds in their archives.—Buy what you can.

“ At Cava (about a day’s journey from Naples) is a Benedictine monastery. In the archives, or treasury, is a Greek Deed of Roger, king of Sicily, with his golden seal appendant.—Buy this, if you can. In the library are some old MSS.—See them at least, if you cannot buy.

“ At Naples, in the library of the Augustin friars of St. John de Carbonara, is a Greek MS. of the Gospels (or of Homilies upon the Gospels) all written in capitals with letters of gold, upon purple parchment.—This must be bought. There is also a Dioscorides in Greek capitals; being a large book with figures of the plants, &c.—This must also be bought. There is also a good number of other ancient MSS. both Greek and Latin, among the latter is an Hieronimus *de Scriptoribus Ecclesiasticis* in Saxon letters; and the Gospels in Latin, where St. Luke is called *Lucanus*.—Buy of these what you can.

“ If the Greek Manuscripts of the Monastery of St. Savior, near Messina in Sicily, or any of them, do remain there yet, or in that neighbourhood, as it is probable they may, notwithstanding the late wars, they will doubtless come exceeding cheap.—You will inquire, however, how this matter stands.

“ Pray, sir, all along in your journey, endeavour to secure what Greek MSS. and Latin Classical MSS. you can, provided they come at reasonable prices; and let me be favoured with an account of your proceedings as often as may be convenient.

“ Mr. Hay,

“ In executing this commission, my noble Lord cannot give you positive direction how to bid upon every occasion, by reason of this his great distance from those parts; and must therefore rely upon your fidelity, your prudence, your usual dexterity in business, and your personal affection to him. You will be sure always to buy as cheap as you can, for I foresee that some of the things his lordship chiefly wants, or is desirous of, will not come for a small matter. In most of the monasteries you will be able to buy for ready money; but it may

His son Edward, Lord Harley, the inheritor of his honours and fortune, with equal firmness and perseverance, pursued the plan; and with incessant assiduity, and at an immense expense, enlarged the collection, so that at his decease, which happened on Tuesday, the 16th of June, 1741, the Manuscript Library consisted of near eight thousand volumes. But many of them being composed of several distinct and independent treatises, the number of books, separately considered, may be reckoned to amount to upwards of ten thousand; exclusive of several curious loose papers, which have been since sorted and bound up in volumes; and above forty thousand original Rolls, Charters with their Confirmations, Letters Patent, Signs Manual, Privy Seals, Grants, Feofments, final Concords, Exchanges, Warrants, and other Deeds and Instruments of great antiquity, for the most part relating to Great Britain and Ireland.

That the principal point, which the noble founders of this treasury of learning had in view, was the establishment of a MS. English Historical Library, and the be at a cheaper rate with the Greek monks of St. Basil's monastery at Rome, whose MSS. are good, and themselves in want.

"I beseech God to bless and prosper you all along in this so long a journey, and to bring you back again with safety and good success; and you may be sure that you will be more welcome to but very few, than to

"Good Sir,

"Your very hearty well-wisher,

"And most humble Servant,

"HUMPHREY WANLEY."

(15) Father Montfaucon's Letter to Mr. Wanley, dated the Nones of July, 1721. See Harleian Library, No. 3777.

(16) On a spare leaf of one of the Manuscripts in this library, Mr. Wanley hath made the following remarkable entry:—"21st of May, 1724. To-day about ten of the clock, it pleased Almighty God, to call to his mercy from this troublesome world, the Right Honourable Robert Earl of Oxford, the founder of this library, who long had been to me a munificent patron, and my most kind and gracious lord and master."

rescuing from oblivion and destruction, such valuable Records of our National Antiquities, as had escaped the diligence of former collectors, is indubitable. But it cannot be inferred that they confined their views to that object alone, or were in the least respect inattentive to others. The contrary is evident. The great number of Biblical, Theological, and Philological Books wherewith the collection abounds, are instances of their Lordships' plan being more extensive. An inspection of the Catalogue will afford other unquestionable proofs of the laudable efforts which were exerted, in order to furnish the Harleian Library with Manuscripts in every useful science.

To give a critical account of the rare and curious MSS. preserved in this admirable repository; to point out their respective excellencies; to select their most remarkable passages; and to enter into a circumstantial detail of their several histories, would not only exceed the proper bounds of this work, but prove a task infinitely too difficult for any one person who should presume to attempt it. Here therefore it must suffice—to give the reader a general idea of the contents of the collection, briefly and occasionally only particularizing some books of the most approved value and curiosity.

I. BIBLES AND BIBLICAL BOOKS, of which the Library furnishes upwards of three hundred copies in the Hebrew, Chaldee, Greek, Arabic, and Latin, many of them of good note for their great antiquity, and in other respects extremely valuable. Amongst these are:—A Hebrew Bible several hundred years old; to which are prefixed the various readings of the Eastern and Western Copies, a Syllabus of the *Parashoths* and *Haphtaroths* for the whole year, and two remarkable drawings in gold, highly embossed, of the sacred vessels and utensils of the ancient

Jews [1528].(17)—A Hebrew Bible, with the small Masoretic notes, illuminated and adorned with miniature paintings; written in the 14th century [5710, 5711]. Another copy of the Hebrew Bible, coeval with the former; most elegantly written in three quarto volumes [5773, 5774, 5775].—A Latin Bible, with St. Paul's Epistle to the Laodiceans, finely illuminated; written in the 11th century, and formerly belonging to the Cathedral Church of Anjou [2833, 2834].—Two pompous volumes, containing a Latin Bible, with St. Jerom's Epistle to Paulinus, *De omnibus divinæ Historiæ Libris*, his Prologues, and Prefaces, and the Canons of Eusebius; written in the 12th century, and formerly kept in the Church of St. Mary and St. Nicholas, at Arinstein [2798, 2799]. The Old and New Testament of the Vulgate edition, elegantly written in the 13th century, with the Psalter of the Gallican version; Rabanus Maurus's Prefaces to his Commentaries on the Books of the Maccabees, and an interpretation of the Hebrew Names; ornamented with most beautiful miniatures, executed in a taste far superior to what is usually found in Manuscripts of that age [1297.] The reading of the 8th verse of the 5th chapter of St. John's first Epistle, in this MS. is, *Et tres sunt qui testimonium dant in terra, Spiritus, Aqua, et Sanguis; et hii tres unum sunt.* A transcript of the books of the Old and New Testament, written in the same century, and contained in two pompous and illumined volumes, formerly belonging to the Capuchin Convent at Montpellier. In this MS. the 7th verse of the 5th chapter of St. John's first Epistle is wanting; and the legend of the 8th verse is, *Quoniam tres sunt qui testimonium dant in terra, Spiritus, Aqua, et Sanguis, et tres unum sunt* [4772,

(17) N. B. This, and the following numbers, refer to the MSS. as they are entered in the Catalogue.

4773]. A copy of the Old and New Testament, with St. Jerom's Prologue to the Book of Job, written in capitals, and of the 13th century [2822]. Another copy, which heretofore belonged to the Church of St. Mary at Worms, finely illuminated and augmented with the Canons of Eusebius, St. Jerom's Epistle to Paulinus, and the usual Prologues, &c. written in the 13th century [2803, 2804]. The most complete copy now extant of Peter de Riga's Versification of the Latin Bible, written in the 14th century [747]. A double Roll, containing the Hebrew Pentateuch, written with great care in a very large character, and without points, or any horns or flourishes on the tops of the letters, on forty brown African skins of different sizes, some containing more columns than others, and having a space of about four lines left between every two books [7619]. The Hebrew Pentateuch, with a Chaldee Paraphrase; and the Books of Canticles, Ruth, Lamentations, Ecclesiastes, and Esther; with the Commentaries of R. S. Jarchi, and part of the Chaldee Interpretation of the Canticles; elegantly written in the 14th century [5709]. A small Roll, containing the Book of Esther in Hebrew, finely written in a very small character, and by a Spanish hand. [This Roll is not mentioned in the Catalogue]. Part of the Book of Psalms, and the entire Books of Proverbs, Job, Daniel, Esdras, Nehemiah, Chronicles, Ruth, Ecclesiastes, Esther, and Lamentations, in Hebrew, written in the 12th century [5715]. Part of Exodus, and the whole Books of Leviticus, Numbers, Deuteronomy, Esther, Canticles, Ruth, Lamentations, and Ecclesiastes, in Hebrew, with the *Haphtaroths*; of the 14th century [5706]. A most pompous copy of the first part of the Latin Bible, as far as the Psalms; of the 9th century [2805]. The Books of Leviticus, Joshua, and Judges, in Latin, of the 10th century [3806]. Two copies of the Book of Job in Latin, one written in the 11th century [2817], the other, with a Gloss, in the 12th century [5233]. A very

fine copy of the Books of Tobit, Judith, Ruth, and Wisdom, in Latin, with a Gloss, written in the 13th century [4985]. Two very noble Biblical Books, upwards of five hundred years old; being part of a most richly illuminated Manuscript, the first volume whereof, beginning at Genesis, and ending with Job, is preserved in the Bodleian Library (Arch. A. 154). They consist of texts according to the vulgar Latin, selected from the Books of the Macca-bees and New Testament, with the subject of each text represented in an illuminated picture, included in a pretty large circle placed opposite thereto. Underneath each text is likewise set down, in Latin, the meaning of the same, according to the opinion of the author, who generally applies such text to demonstrate the benefits of a good life, and the punishments attending a bad one. These explications are also represented in historical paintings placed under the other; all *columnatim*, and the whole adorned with illuminated ornaments [1526, 1527]. Three very fair copies of the New Testament, of Wickliff's Translation, all written in his time, and one of them, as is supposed, by his own hand. To one of these copies is prefixed a Calendar of the Lessons and Gospels, of all the *Zeere*. At the end thereof are the Epistles of St. Paul to the Laodiceans, and the Lessons and Epistles of the old "Lawe, that ben red in the Chirche all the Zeer after the use of Salisbury" [4027, 2309, 327, 6333]. The four Gospels in Greek, with the Canons of Eusebius, said in a note, at the end of the MS. and in a hand nearly coeval with it, to be the proper hand-writing of King Theodosius the Great [5567]. A most august copy of the Greek Gospels, in capitals, written in the 11th century [5684]. An ancient transcript of the Greek Gospels, ornamented with great variety of historical paintings, and accompanied with an explanatory treatise on the Evangelists and Evangelical Lessons, a Menology, the Canons of Eusebius written in illuminated blue and gold letters, his

Epistle to Carpian, the Preface of Irenæus, and another Preface taken from Cosma the Egyptian's *Christianorum Opinio de Mundo, sive Topographia Christiana*; allowed to be at least as old as the 12th century [1810], and still more remarkable, in regard, that neither this MS. nor Cosma's Book, had ever been seen by Dr. Mill, before he published his edition of the Greek Testament. (18) It is said in a note written on a spare leaf, at the end of this MS. that it formerly belonged to a monastery, which took its appellation from the prophet Elias. A fair copy of the Greek Gospels, written in the 11th century, with the pictures of the Evangelists painted on gold grounds, and their names written on the margins in Arabic characters [5647]. Two other copies of the Greek Gospels, written in the 12th century [5777, 5776]; and another of the same age, adorned with the pictures of the Holy Virgin, and of the Evangelists [5731]. An elegant transcript of the Four Gospels in Greek, written in the 13th century; illuminated and adorned with paintings [5790], and two others of the same century [5559 and 5784]. A most venerable exemplar of the Four Gospels of St. Jerom's Version, with the Prefaces and Canons of Eusebius; the whole written in capitals, and allowed to be twelve hundred years old [1775]. In this MS. it is observable, that the genealogy of our blessed Saviour appears to be distinct, and separated from St. Matthew's Gospel. The following words in two independent lines, occurring after the 17th verse of that chapter:

*Genealogia Hucusque*

*Incip. evangl. scđ. MATTH.*

(18) Since the printing of Dr. Mill's edition of the Greek Testament, the entire works of Cosma have been published, together with some pieces of St. Athanasius and Eusebius, by Father Montfaucon at Paris, in the year 1706. Mr. Wanley hath given a very particular account of this curious MS. in the Catalogue, which see.

So that the Gospel begins at the 18th verse of the first chapter, in the same manner as we likewise find it distinguished in the famous Copy of the Evangelists written in Ireland, and in another MS. of the same kind, and of the 12th century; which MSS. are both preserved in this library [1802, 2795]. (19) It is also observable, that the like distinction or separation of the genealogy of our blessed Saviour, from the other part of St. Matthew's Gospel, is made in the famous Copy of the Four Gospels, formerly belonging to King Æthelstan, and now preserved in the Cottonian Library (Tiberius, A. II.) which book was by him appointed to be used by the succeeding kings of England, at the time of their taking the coronation oath. A noble exemplar of the Four Gospels, in capital letters of gold, which in point of antiquity (being written in the 8th century) as well as elegance, greatly surpasses the *Codex Aureus* of the Escorial Library. (20) This Manuscript, for which Edward Earl of Oxford paid five hundred pounds, may be said to vie in many respects with any MS. of its kind in the world. Every page of the sacred Text of this inestimable Manuscript, consisting of two separate columns, is enclosed within a broad and beautifully illuminated border. The pictures of the Evangelists, with their symbolic animals, are curiously painted in the front of their respective Gospels; the initial letter of each Gospel is richly illuminated, and so large as to fill an entire page. To the whole are prefixed the Prologues, Arguments, and Breviaries; two Letters of St. Jerome to Damasus, the Canons of Eusebius, his

(19) See the Catalogue, where Mr. Wanley treats largely on this MS., gives specimens of the writing, and compares the reading with that of the Vulgate.

(20) The Spaniards hold the *Codex Aureus* in great veneration, and look upon it as the finest copy of the Gospels now extant; it is never shown but with lighted flambeaux and other ceremonies. It appears to have been written in the reigns of the emperors Conrad and Henry the Second, his son. *Fran. de los Santos Hist. Escorial.*



Letters to Carpián, and a Capitular of the Gospels for the course of the year, all of them written in small golden character [2788]. A transcript of the Latin Gospels, with their usual accompaniments; of the same age with the last-mentioned Manuscript, written in letters of gold, but of a small alphabet; and remarkable for the singular manner in which the genealogy of our Saviour is placed [2797]. An exemplar of the Holy Gospels, likewise written in the 8th century, and formerly belonging to the church of St. Ciricius at Soissons. To this Manuscript are prefixed the Epistle to Damasus, and the usual Arguments, Prologues, &c., together with an interpretation of Hebrew names, a catalogue of the books and vestments belonging to that church, and a list of its saints [2790]. Two other copies of the Four Latin Gospels, also written in the 8th century [2823 and 2826]. In the latter of these the reading of the 23d verse of the last chapter of St. John's Gospel is, *Si sic eum volo manere donec veniam*; and that of the 24th verse is, *Si eum volo manere*. The Four Gospels of St. Jerome's version, together with his Prologues, Arguments, &c., the Canons of Eusebius, and the parallel passages, written in letters of gold, in the tenth century. This MS. is most gloriously illuminated and adorned with pictures of the following subjects, painted on purple grounds, viz. before the Gospel of St. Matthew, in a circle, are, first, the representation of our Saviour, sitting as enthroned; holding in his right-hand the book of the new Law, that of the old Law lying in his lap; with the four Evangelists in the angles kneeling. Secondly, our Saviour standing with St. John resting his head on his bosom. Thirdly, the portrait of St. Matthew. And fourthly, the salutation of the Virgin. Before St. Mark's Gospel are the portrait of that Evangelist and the dormition of the Virgin Mary. At the beginning of St. Luke's Gospel are his portrait, and the

crucifixion of our Saviour. Before the Gospel of St. John, are the picture of that Evangelist, and the ascension of our Lord [2821]. Two other Copies written in the same century; one of them finely decorated with the pictures of the Evangelists and St. Jerom; and having the rubricks written in silver letters [2820, 2830]. A very fair and valuable exemplar of the Latin Gospels of the Vulgate edition, once belonging to the Abbey Church of St. Edmund's Bury; elegantly written in the 10th century, but unhappily despoiled of the initial leaves of the Gospels of St. Matthew, St. Luke, and St. John, by some flagitious hand, probably for the sake of the illuminations with which they were embellished, as may be supposed from the enrichments of the initial words of St. Mark's Gospel still remaining. At the beginning of this volume is a Syllabus of the Evangelical Lessons, according to the usage of the Roman Church: and at the end are inserted the memorable contest between Gundulphus, Bishop of Rochester, and Picote, Sheriff of Grande-brugè; William the Conqueror's grand Charter to the Abbey of St. Edmund's; a Bull of Pope Alexander; and various other Charters granted by King Canute, and William the Conqueror, to that Abbey [76]. The Latin Gospels written with red ink about the beginning of the 11th century, and in the Anglo Normanic character. In this MS. the genealogy of our Saviour is also detached from the other part of St. Matthew's Gospel; as is likewise the first part of the eighteenth verse of the first chapter, *Christi autem generatio sic erat*. All the rubricks are written in gold capital letters; and the initial letter of each Gospel is also of gold, and fills an entire page [2795]. The Four Evangelists, written in the Irish character, by Brigidianus, or Maol Brighte, for the use of Gilla, Coarb, or Vicar of the Church of St. Patrick, supposed by Father Simon to be eight hundred years old; though

Mr. Wanley will not allow it an earlier date than the 12th century. But whatever difficulties may have arisen in ascertaining the exact date of this curious MS. it is on all hands acknowledged to be one of the most authentic copies of the Latin Gospels, which the Irish have ever sent out of their island. To this exemplar are added, St. Jerome's Prologue of the Canons of the Four Gospels, an explanation of such Hebrew and Syriac names as occur in the Gospels, a Hebrew, Latin, and Irish Vocabulary, and the usual Prefaces, an interlineary Gloss, and a *Catena Patrum* [1802]. The singularity of this MS. has induced Mr. Wanley to favour us, in the Catalogue, with a very accurate account of it; and in a laborious and judicious criticism to fix its true age, and explode the opinion of Father Simon, as well in regard thereto, as to the characters in which it is written. (21) A transcript of the Four Evangelists of the Latin Vulgate, with various readings, is likewise written in Irish characters, but not quite so old as the preceding, and wanting the prefaces and beginning of St. Matthew's Gospel, as far as the 25th verse of the 23d chapter [1023]. The Epistles of St. Paul, the Catholic Epistles, and the Apocalypse, in Latin, with the Arguments, &c. above one thousand years old; and from its version differing in many places from the modern Vulgate and St. Jerome's Translation, this MS. is supposed to be one of the old Latin copies before the corrections of St. Jerome were introduced. It is further observable, that the reading of the 8th verse of the 5th chapter of the first Epistle to St. John is in the Manuscript, *Et tres sunt qui testimonium dant in terra, Spiritus, Aqua, et Sanguis, et tres unum sunt* [1772]. (22) The Book of Canticles, the Gospels

(21) See also Bishop Nicholson's Preface to his *Irish Historical Library*, p. 11, 12, &c.

(22) See a full account and extract of this MS. by Mr. Wanley, in the Catalogue.

of St. Matthew and St. Luke, St. Paul's Epistle to the Romans, the Epistles of St. James and St. John, and the Apocalypse of the Latin Bible; written for the most part in the 9th century [7551]. A fine copy of St. Paul's Epistles in Latin [2829], and another transcript of the same, with the Acts and Catholic Epistles, both of the 11th century [5557]. St. Paul's Epistles in Arabic [5474]. The Canonical Epistles of St. Paul in Latin, with a Gloss, his Epistle to the Laodiceans, and an Exposition of the Gospel of St. John, written in the 12th century [3131]; and another copy of the Epistles of St. Paul of the same age [5140]. A Roman Psalter of St. Jerome, written about the time of our King Edgar, illuminated; and each Psalm elegantly embellished with a most curious historical drawing illustrating the text [603]. A Psalter, with the Litany, Calendar, &c. elegantly written; illuminated and decorated with beautiful miniature paintings, of the 11th century [2895]. A most curious and finely preserved Psalter, in Greek, Latin, and Arabic, written in the 12th century, as appears by the following inscription on the back of the leaf:—DMI. MCLIII. *Ind. vij. Januarij die Octavo die Mercurij* [5786]. King Henry the Third's Psalter, curiously illuminated; and written for his use by Thomas de Langley [745]. A Greek Psalter, with sacred Hymns, of the 11th century [5570]. An extremely fine Greek Psalter of the 12th century [5582]; and another of the same age, one belonging to the monks of Monte Oliveto [5571]. A Latin Psalter, with sacred Hymns, written in the 13th century [5563]. Two Arabic Psalters, to one whereof are subjoined a Psalm composed on the slaying Goliath, and ten sacred Canticles extracted from the Scriptures [5469, 5476]. A Greek and Russian Psalter [5723]. A Slavonic Psalter [3389]. An Exposition of the Psalter in Latin, illuminated, and most accurately written in a hand of the 10th century [4860]; and a great variety of

other valuable transcripts of the different Biblical Books, written in the 10th, 11th, and 12th centuries.

II. CABALAS, TALMUDS, AND TALMUDICAL BOOKS, TARGUMS, EXPOSITIONS, GLOSSES, AND COMMENTARIES on the Pentateuch and other Books of the Old Testament, in Hebrew, Chaldee, &c. compiled by the most celebrated ancient as well as later Rabins. Amongst these are, a very fine Copy of Maimonides *de Lege*, in Hebrew, and without points, written in the year of our Lord 1472, by Salomon Ben Alzuk, [5698 and 5699]; and the *Sepher a Mistot* of Rabbi Moses Ben Jacob de Cusi, written in the beginning of the 15th century [5700]. A very beautiful transcript of Maimonides's *Moreh Nebuchin*, in Hebrew, without points, written in small characters by a Spanish hand, and finely illuminated [5525]. An exemplar of three tracts of Maimonides's, viz. *de Fœminis*, *de Sanctitate*, and *de Votis et Juramentis*, written by a German hand in the 13th century [5702]. A transcript of R. Moses Maimonides's *Sepher Moreh Nevochim*, with R. Aben Tibonis Exposition of several words therein; *Sepher Messaret Moseh*, *Aben Ezrae Sepher Arujat Amesima we Pardesa Hochma*; and *Sepher Aathalot le Abunatsar Alparachy* or *Abunatsar Alparachy Principia*; the four last of which have not hitherto been printed: all elegantly written in small Hebrew characters [5507]. R. Levi's Hebrew Commentary on Job, written in the 14th century [5526]. An exemplar of R. Moses Nachmanides, on the Pentateuch, in Hebrew, of the 13th century [5702]. Sundry very elegant and ancient copies of the Liturgies of the German and other Jews; particularly a Liturgy, &c. of the German Jews, written in the 13th century [5701]. The *Machazor*, or Office of Prayers, composed for their greater Feasts, differing from the common printed Liturgy, and written in the 14th century [5714]. The Order

of Prayer, in which the rubricks are more ample than in the printed books. Two pompous volumes in Hebrew, the one containing penitential Prayers for Forty Days before, and the other consisting of Prayers to be repeated on the Day of Expiation [7618, 7197]. With these are likewise most noble transcripts of R. Jacob Ben Asher, and R. Ben Ezra's four Orders, containing all the rites, customs and ceremonies as used by the Jews in their present dispersion [5716, 7198].

III. Near 200 Volumes of the WRITINGS OF THE FATHERS OF THE CHURCH: particularly a Copy of Part of the Works of St. Hilary, written in the 9th century, and formerly belonging to the Church of St. Mary and St. Nicholas of Arinstein [3115]. A fine transcript of Augustine's Sermons on the Gospel and first Epistle of St. John, written in the 12th century, likewise belonging to the same Monastery [3114]. A beautiful exemplar of the same Father's Discourses on the Book of Genesis, written in the 12th century [3113]; and another, containing his Books *De civitate Dei, et de Trinitate*, written in the 13th century [3111]. St. Chrysostom's Greek Homilies on the Epistle to Timothy, written in the 13th century [5689]. The Works of St. Athanasius in Greek, of the 14th century [5579]. The Homilies of St. Basil, Ephraim Syrus, and John Chrysostom, in Greek, written in the 14th century [5639]; and another Copy of the same, with St. Gregory's Encomium on Sts. George and Marina, likewise of the same age [5576]. As also ancient Councils, Canons and Constitutions Ecclesiastical, great variety of Annotations, Commentaries, Expositions, Harmonies of the Four Gospels, Paraphrases, Histories of the Old and New Testament, &c. with a multitude of Theological Treatises, many of which, notwithstanding the pious labours of modern Divines, are highly worthy to be consulted.

IV. LITURGIES AND LITURGICAL BOOKS, as the Liturgies of SS. Chrysostom, Basil, and Nazianzen, of which there are in this collection two very fair copies in Greek; one with the Prayers and Evangelical and Epistolical Lessons, written in the 11th century [5561], and the other written in the 14th century [5669]. The Liturgy of the Church of Syria [5460]. Two fair volumes, containing the Samaritan Liturgy [5481, 5495]. The Russian Liturgy [5462]. The Liturgies of the Roman [2431, 2432] and Greek Churches; particularly a most valuable exemplar of that of the latter; wherein the several Offices, Chants, Hymns, and Antiphones, are marked with Greek musical notes, according to the present usage of that Church [1613]. This truly valuable MS. was presented to Colonel Worsley by Notara, who was at that time Metropolitan of Cæsarea, and afterwards Patriarch of Jerusalem. (23) A curious Liturgy, adorned with beautiful paintings and illuminations; which, from the Calendar of German Saints inserted in it, is supposed to have formerly belonged to some Church in Germany [1211]. The several Liturgies of the Church of England, &c.

V. MISSALS, BREVIAIRES, AND HOURS of the Holy Virgin, according to the use of the Roman [2972], English [2846], and Gallican Churches [2929], Rituals, Ordinals, Books of Offices, Processionals, and Graduals; many of them curiously illuminated, and richly adorned with fine historical paintings. The most remarkable of these are, a Missal of the Church of Soissons, in two volumes, written in the 9th century [2991, 2992]. The *Missale Augustinae Ecclesiae*, finely painted and illuminated, of the 10th century [2908]. A very ancient Missal written in large capitals, with the Chants, Antiphones, and Re-

(23) Mr. Wanley has in the Catalogue of the Harleian MSS. given a very curious account and extract of this Liturgy.

sponses pricked with musical notes; and containing special Masses for sundry Saints' Days, and other particular occasions, not to be met with in any other book of that kind [1229]. A Roman Missal in Latin, but written in Syrian characters; with the Rubrics in those of the Arabic [5512]. The Missal of the Church of Toul, in Lorraine, which, besides the exquisite paintings with which it is ornamented, is remarkable for having in the Litany of Saints, after the three holy Archangels, one to the Angel Uriel; notwithstanding several Councils had strictly forbid the invocation of more than the three first [2999]. A fine copy of the *Missale Moissiacense* [2893]; and Missals according to the use of sundry other Churches, as Salisbury [2785, 1797], St. Paul's, London [2787], Durham [5289], Paris, &c. A Missal adorned with exquisite paintings, wherein the figures are represented of a larger size than usual; and to which is added a Calendar, ornamented with several curious miniatures, wherein the several labours of the farm and vineyard, throughout the year, are curiously delineated [2936]. A fine transcript of the *Ordo Romanus*, written in the 11th century [2906]. The Office of the Holy Virgin, with a Calendar finely illuminated, and decorated with pictures, particularly those of Saints Michael, John Baptist, Christopher, Sebastian, Jerome, Martin of Tours, Agnes, Barbara, and Margaret [2948]. Two Breviaries painted in a most exquisite manner; to each of which is prefixed a Calendar finely decorated with miniatures, of saints, country sports, and employments, &c. [2950, 5049]. As also many others. See [2787, 2989, 3000, 2974, 2835, 2975, 2985, 928, 5780, 2971, 2969, 6563, &c.]

VI. Ancient EVANGELISTARIA & LECTIONARIES, amongst which are an *Evangelistarium*, written in Greek capitals in the 9th century [5787]. An *Evangelistarium*, in Greek capitals, written in the year 995, by Constantine,



**Presbyter.** The first page thereof, and the references to the chapters, are in letters of gold [5598]. Another *Evangelistarium*, adorned with pictures of the four Evangelists finely painted, and the Rubrick in letters of gold. At the end is a certificate, signed on the 10th of March, 1699, by Laurence Alexander Zacagnius, principal librarian of the Vatican, to testify that this MS. was then upwards of 700 years old [5785]. Three *Evangelistaria*, written in the 11th century [2994, 2970, 5650]; one whereof belonged to the Canons of St. Simon at Treves, and hath inserted on the back of the 16th page thereof the Oaths usually taken by the Canons, Dean, and Provost of that Church; and another of them is remarkable for being written on parchment, from whence the words of some other book have been erased. A *Lectionarium* of the 10th century, with Hymns, Collects, &c. in which the Responses are pricked to musical notes [2961]. A very fair exemplar of the *Lectionarium Moissiacense*, with the Responses set to music, and finely written in the 11th century [2914]. Another *Lectionarium* of the same age, enriched with the pictures of SS. Peter, Paul, James, and John; as also with the figure of Jesse lying in his tomb, with the seven spirits issuing from his body [5787]. As also an elegant illuminated transcript of "Wickliff's Gospelis and Epistolis of all þe Festis in þe Zeer, by Order as þei ben red in the Messe Book' after þe Use of Salisbury [1710]."

VII. Store of **MENOLOGIES, MARTYROLOGIES, and LIVES OF SAINTS**, which, though they are to be read with great caution, yet, when divested of their fabulous and miraculous parts, furnish genuine matter of good note, and not readily to be met with elsewhere. The assistance which the collections of this sort, made by Bollandus, Papebroch, Tinmouth, Surius, Mabillon, and others, have afforded,

is frequently acknowledged by the gravest and best writers on Church affairs. Amongst these are a Greek Menology, written in the 11th century [5557], and another in the 12th [5581]. A most noble *Passionale* in three very pompous volumes, written in the 13th century, and once belonging to the Church of St. Mary and St. Nicholas of Arinsteyn; containing, exclusive of the Life of Lewis Count of Arinsteyn, founder of that Abbey, the Lives and Actions of no less than three hundred and thirteen Saints [2800]. Two exemplars of the celebrated Martyrology of Usuardus the Monk, (24) compiled by the express command of the Emperor Charlemagne. (25) One of them is a very pompous volume, with a Calendar prefixed, written in the 13th century [3047]; the other, though of much meaner appearance, yet is of more venerable antiquity, being written in the 9th century [3062]: this last-mentioned copy differs in several respects from the former, and is probably the oldest transcript of Usuardus now extant. In it the Martyrology begins on the VIIIth of the Calends of January, with the Festival of the Holy Virgins of Antioch; whereas the other [3047] sets out with the Festival of St. Almachius on the Calends of January. It likewise contains a Prologue prefixed to the Dedication of the Work to Charlemagne,

(24) He is sometimes called Usuardus. Trithemius and other German writers call him Isuardus.

(25) The Emperor Charlemagne, being displeased that Jerome and Bede had, in compiling their Martyrologies, studied too much brevity, and left several days in the Calendar unnoticed, ordered Usuardus to supply those defects; and he accordingly noting down the Festivals of Saints for every Day in the Calendar, compiled an entire new Martyrology, which he dedicated to that Emperor. In this work, he in great measure followed Florus; but was at the same time extremely careful in correcting his mistakes, and supplying his omissions; as well as those of Jerome, Bede, and other Martyrologists.—*Sigeburtus Gemblacensis de Viris illustribus*, cap. 85. Usuardus in his Preface. Trithemius in his Catalogue.

wanting in the other, is throughout the whole much more correct than the former, and appears to be the genuine Work of Usuardus, (26) before the introduction of those interpolations, which, soon after its being published, became frequent.

VIII. A variety of other Books of RELIGION AND DEVOTION ; particularly a very fine copy of the *Passio Christi secundum Evangelistas*, with Prayers to God and several Saints, neatly written in Saxon characters, and in the 8th century [2965]. A Book of Prayers, Benedictions, and Exorcisms, in Latin, written in the 10th century [2892]. Wickliff's Summary of the Books of the Old and New Testament, with their authority and use to Christian men [1666]. His Postils [1730]; and his Notes on the *Pater Noster*, with sundry other Discourses [2385]. A miscellaneous Collection of distinct Pieces bound together ; containing a Horology and Calendar, the Rules of St. Benet, ancient Statutes promulgated at Rome in the year 917, and a Directory for conversing in Monasteries, all written in the 10th century; and some other Tracts in a hand of the 13th century [5431]. A miscellaneous volume of Prayers, Hymns, Litanies, &c. written in the 11th century, and ornamented with curious paintings [2928]. A Book in the Armenian Tongue, contain-

(26) Usuardus's Martyrology being more generally used in the Churches than those of Jerome and Bede, every Church added something thereto ; especially concerning the Saints and Festivals more particularly belonging to them. This gave rise to what was afterwards called Jerome's fuller Martyrology ; in the obtaining a Copy whereof, the *Cronicon Cassinense* informs us, that Theobald, Abbot of Monte-Cassini, in the 11th century, thought himself happy. Yet his copy was no more than Usuardus augmented. It was from some of these augmented copies, that the editions of Usuardus, printed at Lubeck in 1475, and at Cologn in 1521, were published ; but the edition of Molanus, printed at Antwerp in 1533, wherein he hath endeavoured to separate the genuine work of Usuardus from the interpolations, is the most correct. Had he seen the Harleian copy, his edition would have been more exact.

ing the Apostles Creed, a History of the Bible, and a Form of proper Confession to be used before taking the Holy Sacrament [5459]. A translation into Persic of the History of our Saviour; written originally in the Portuguese Tongue, by Father Jerome Xaver [5455]. Prayers, and Manuals in the Hebrew, Latin, English, French, German, and Low Dutch. Ethiopic Prayers [5471]. Several transcripts of the Alcoran, in Arabic, Persic, &c. and Commentaries thereon. A Collection of Mahomedan Prayers, written in the Persic and Turkish tongues. The *Nadham*, or Connection of Sentences contained in the Alchoran; with the Apothegms of Mahommed [5511]. Three Books of Prayers in Arabic, two of them written in the African character [5464, 5470, 5479]. Together with other Tracts on the Mohammedan religion.

IX. So amazing a number of curious and authentic Manuscripts, relative as well to the TOPOGRAPHICAL DESCRIPTION AND ANTIQUITIES OF BRITAIN, AS TO THE CIVIL AND ECCLESIASTICAL HISTORY OF THE KINGDOM, its Laws, Constitution, and Government, that the mine appears truly inexhaustible, and every vein fully replete with the richest stores.

First, For the Topographical Part; Histories and Surveys of several Counties, and the Customs of their Inhabitants; Memorials of the Founding and Incorporation of Cities, Towns, Boroughs, and Villages, with the most remarkable events that have happened to each; their Antiquities and other Curiosities. Accounts of the Erections of Temples, Castles, and other Buildings; and of the Remains (if any) of such as have been destroyed. The Establishment and Endowment of Parishes, Foundations of Religious Houses, Books of ancient Tenures, Inquisitions *post mortem*, Escheats, Customaries, Terriers of Manors, Perambulations of Forests, Accounts of ancient Coin, monumental Inscriptions, Forts, Camps, Roads,

**Military Ways, and other Antiquities, which have been casually discovered in particular places. Notes concerning the most remarkable Rivers, Mountains, Mines, Minerals, and other Curiosities. A variety of Tracts, and Memoranda relating to particular parts of England, as well in its pristine state, when separated into petty kingdoms, provinces, and principalities during the times of the Britons, Romans, and Saxons, as subsequently, when under the dominion of one monarch; divided into counties, ridings, rapes, wapentakes, &c. As also the laborious Collections made by Sir Simonds D'Ewes, John Fox, the Martyrologist, Mr. Erdeswick, honest John Stow, Mr. Charles, Lancaster Herald, and others.**

Secondly, For the Civil and Ecclesiastical History; valuable Copies of our ancient Historians and Chroniclers, as Gildas, Nennius, Asserius Menevensis, Ælfred of Beverley, Abbot Benedict, Castoreus, or John Beaver, J. Brompton, Raulf Boun, Douglass, Monk of Glastonbury, Edmerus, Florence of Worcester, Robert of Gloucester, William Giseburn, R. Hovenden, Henry Huntingdon, Peter de Ickham, John Joselyne, R. Higden, Peter Langtoft, I. Lewis, Adam Murimuth, Geoffry of Monmouth, Robertus Montensis, John Pyke, Sir Walter Raleigh, Robert de Reading, Thomas Rudburne, Simeon of Durham, Richard Spote, Nicholas Trivett, John Wallingford, Thomas Walsingham, Walter of Coventry, Gotselinus de Sancto Bertino, and sundry anonymous Authors of good value. A finely illuminated copy of John Harding's Chronicle, much more perfect than the edition published by Grafton, and containing the Letter of Defiance sent to King Henry the Fourth, by the old Earl of Northumberland, Henry Hotspur, his son, and the Earl of Worcester, his brother, before the battle of Shrewsbury; some Discourses of the same old Earl, touching John of Gaunt; a Map of Scotland, from Car-

lisle to the Water of Tay; and another from thence to Sutherland and Caithness; with sundry other Matters omitted likewise by Grafton [661]. A transcript of John de Trevisa's Translation of Higden's *Polycronicon*, differing from the account given of that Work by Bale and Pitts; together with several other Translations and Compositions of Trevisa, not to be met with in any other book [1900]. No less than four ancient copies of the *Polycratica Temporum* of Roger Cestrensis; from whence R. Higden stole his *Polycronicon* [1707]. The famous and very ancient copy of William Malmsbury's elaborate Treatise *de Gestis Regum Anglorum*, which was formerly preserved with great religious care at Rochester [261]. An exemplar of his four books, *de Gestis Pontificum*, written in the 12th century [3641], and several transcripts of the Dunstable Chronicle, one whereof is most beautifully illuminated [1568], and another adorned with the blazon of the arms of divers emperors and kings [24]. Chronicles and Histories of Abbeys, and other religious Houses; as those of Abingdon, St. Alban's, Alnewick, Bermondsey, St. Edmond's Bury, St. David's, Hales, Lichfield, Ely, St. Paul's, London and Peterborough. Livés of particular Kings, and Histories of their Reigns. As of Edward the Confessor. King Harold; of whose life and miracles here is a very fair copy, written in the 12th century [3776]. Henry the First, Richard the First, Henry the Third, Edward the First, Edward the Second, and Edward the Third. The History of Richard the Second, written by Francis de Marque, a French gentleman, attendant on the Court in the Queen's service; adorned with sixteen admirable paintings, wherein the principal persons and habits of those times are most accurately represented [1319]. As also those of Henry the Fourth, Henry the Fifth, Henry the Sixth, and Edward the Fourth. Many original In-

structions to Ambassadors, and Letters which passed between them and the chief Ministers of their Courts; together with authentic copies of an immense number of others. Letters to and from foreign Princes and States, Negotiations, Alliances, Leagues, Truces, and Treaties of Peace, Commerce, and Navigation. Summonses to Parliament from the 49th of Henry the Third, to the 21st year of the reign of King Henry the Eighth, in many places larger and more correct than the work published under that title, by Sir William Dugdale [778]. Transcripts of the Rolls, Journals, and Memoranda of Parliament; particularly a copy of the Parliament Rolls, beginning at the 4th year of King Edward the Second, and continued to the end of the last parliament of King Henry the Eighth, in thirty volumes; amongst which are the Parliament Rolls of the 5th, 8th, and 9th years of King Edward the Second, which are, with others, omitted by Sir Robert Cotton, in his Abridgement of the Tower Records, and by him supposed to have been lost [7057]. Journals of the House of Lords, from the 1st year of Henry the Eighth to the end of the year 1740, in sixty-nine volumes [7077 to 7155]. As also one hundred and eleven other volumes; containing the Journals of the House of Commons from the 1st year (inclusive) of King Edward the Sixth to the 8th day of March, 1701 [7202, &c.]. A numerous Collection of Privileges and Orders of Parliament; and sundry papers relative to parliamentary affairs. Proclamations, original Letters, Journals, and other Books of the Privy Council. Books of Aids, Subsidies, Reliefs, Taxes, granted to sundry particular Kings of England; and Accompt Books of the Product, Disposal, &c. of the ancient Demesne Lands of the Crown. Letters, Papers, Books of Dockets, &c. relative to the Offices of the Privy Seal, Signet, Ordnance, Admiralty, Navy Victualling, Customs, and Excise; particularly a

most curious and valuable volume, once belonging to Lord Treasurer Burleigh, being a Register of the Grants, &c. which passed the privy seal, signet, or sign manual, during the reigns of King Edward the Fifth and King Richard the Third, consisting of no less than two thousand three hundred and seventy-eight articles [433]. (27) Three volumes of very interesting original Papers and Letters which belonged to John Holles, Duke of Newcastle, as Lord Privy Seal to Queen Anne; giving a better insight into the transactions of those times, and the immense sums issued on account of the forces employed under the Duke of Marlborough, than can easily be met with elsewhere [2262, 2263, 2264]. Accounts of the public Revenue, and national Expenses. Journals of Commissioners for stating the public Accounts of the Kingdom. The black Books of the King's House, and other Books and Papers of the Household, Treasurer of the Chamber, &c. Inventories and Indentures of the Jewel Office and Wardrobe. Orders, Proceedings, and Accounts of the Office of Works. Laws and Ordinances for Management of the Mint; with other original Papers concerning the Mint Coinage and Money Matters. Several large Collections of Letters and Speeches of our Kings, their chief ministers and other persons of eminence; particularly four volumes, containing original Letters by the Royal Family of England, from King Henry the Eighth to the end of King Charles the First [1760, 6986, 6987, 6988]. Eighteen volumes of original Letters of divers considerable Persons, relating to public Affairs, from the year 1307 to 1716 [6989, 7006]. And two volumes, containing Letters written to Henry, Prince of Wales; together with original draughts of his own Let-

(27) See the Catalogue, where an extract is given of each Article contained in this Manuscript.



ters [7007, 7008]. The above volumes afford interesting anecdotes, particularly relative to Queen Elizabeth, James the First, Charles the First, and Charles the Second, unnoticed by the most elaborate writers of the English history; and may be justly deemed inestimable remains of the times to which they relate. Histories of the first planting and propagating of Christianity in Britain, and its growth and increase under the British and Saxon Prelacies. The lives and successions of English Archbishops and Bishops; particularly a most noble illuminated Copy of the Lives of the Seven First Archbishops of Canterbury, by Gotselinus de Sancto Bertino, Monk of St. Augustine's at Canterbury, in the time of St. Anselm [105]; and of which the first part only, containing the Life of St. Augustine, is published by Mr. Wharton. (28) Saxon and English Councils, and the Canons promulgated by them. Provincial and Diocesan Canons and Constitutions. The Forms and Manner of Election, and Consecration of Archbishops and Bishops; their Jurisdictions, Privileges, and Courts. Surveys, Terriers, and Rentals of their Possessions; Taxations of their Spirituals and Temporals, and Inquisitions relative to the State of their respective Dioceses. Lives and Canonizations of sundry British, Saxon, and English Saints; as St. Anselm, by Eadmerus. St. Adan and St. Alban. St. Thomas Becket, by an anonymous author, under the title of *Quadrilogus*. Another Life of St. Thomas Becket, written within five years after his death, by Garnerius de Ponte S. Maxentii. Venerable Bede. St. Cuthbert, tutelary Saint of Durham. St. David, by Giraldus Cambrensis. St. Dunstan. St.

(28) *Anglia Sacra*, vol. ii. p. 56. Mabillon hath also published in his *Act. Benedict.* (see 1st P. 499,) this Life of St. Augustine by Gotseline, but swelled into a larger bulk by the insertion of abundance of Miracles and Legendary Tales. An Abridgement of this Life of St. Augustine is to be met with in the *Calendarium Annuale Benedictinum*, vol. v.

Elphege, and Odo, Archbishop of Canterbury, by Osbern, Monk and Præcentor of that Church. St. Edmund, King of the East-Angles, by Abbo Floriacensis; and his cousin and companion St. Fremund, son of King Offa, by Burchard of Dorchester, both translated into old English by Lidgate of Bury. St. Edmund, Archbishop of Canterbury and Confessor; and St. Edward, King and Confessor, by Ælred, Abbot of Rievaulx. St. Guthlac, of Croyland. St. Goodric, the Hermit of Finchale. St. Gilbert, founder of the English Order of Gilbertines. St. Hugh, Bishop of Lincoln, by Giraldus Cambrensis. St. Marcellinus, of York. St. Mildred, by Gotseline de Sancto Bertino. St. Oswald, King and Martyr. St. Oswald, Archbishop of York. Sir Robert, Bishop of Hereford, by William of Lanthony. St. William, Archbishop of York. St. Wulfric, Anchorite of Hasleberg, by John, Abbot of Ford. St. Wulfstan, Bishop of Worcester, &c. As also an ancient Calendar, in which the Festivals of all our northern English Saints are duly noted [1804]. Authentic Papers and Memorials relating to the Dissolution of religious Houses, and the Establishment of the Reformation; as original Letters to and from the Visitors appointed to examine the Abbeys, &c. and from the Abbots, Priors, &c. of those Houses to Cromwell, and the visitors. Visitatorial Certificates of the value of several churches belonging to those Ecclesiastical bodies; and draughts of Acts of Parliament for their dissolution; some in the hand-writing of King Henry the Eighth. Inventories of plate, jewels, and other valuables, belonging to dissolved abbeys, priories, colleges, free chapels, chantries, and gilds. Inquisitions, with the state of several Episcopal Dioceses, and the returns made thereunto by the bishops. Accounts of the erection and proceedings of the Court of Augmentation; more especially four original and very valuable volumes belonging to that Court;

and containing, first, transcripts of the surveys of the possessions belonging to divers gilds and fraternities granted by Parliament to the Crown, with warrants for leasing them. Secondly, Registers of Entries, and descriptions of the several houses, manors, lands, &c. sold by the Commissioners under two several commissions in the reigns of Philip and Mary; with their rates, and the names of the persons to whom they were sold [605, &c.]. For the ancient state of particular Churches and religious Houses; Foundation and other Charters. Historical Accounts of the Successions, Rights, Forms, and Instruments, of Elections of Abbots, Priors, and other Superiors, and their Officers. Chartularies, Registers, and Ledger Books of sundry Monasteries and other religious Houses, viz. Aberconwey, St. Alban's, Alnewick, Barnewell, Blythe, St. Bees, Bittlesden, Battel, Castel-Acre, Clare, Deeping, and Dunmow. The most accurate and greatly valuable Register of Dunstable, begun by Richard de Morins, the Prior of that House, on a plan unusually copious, and regularly carried on from the foundation of the Priory by King Henry the First to the Reformation [1885]. Those of Evesham, St. Edmund's Bury, Holme, Cultrum, Hagmond, Holme, Kenelworth, Lancaster, Leigh, Lichfield, Messenden, St. Mary's at York, Newnham, St. Paul's in London, Ramsey, Rufford, Reading, Roncton, Shaftesbury, Selleya, Southwike, Spalding, St. Wereburgh's in Chester, Welbeck, Waltham, and Walden. Those of the Hospitals and Gilds of Holy Cross near Winchester Chrich in Derbyshire, St. Giles in London, Christ Church at Boston in Lincolnshire, Ewelme, Clun, and Jesus at Chipping Barnet. The Statutes of Cathedral and Collegiate Churches; as Winchester, Wells, Westminster, Durham, Ely, Exeter, and London. Charters, Endowments, Extents, Terriers, and Rentals of Church Lands. Extracts and collections from ancient

Chartularies and Registers. Statutes of the two Universities, and of their several Colleges and Halls, and a vast mass of other materials relating to their History and Antiquities; with a noble transcript of the Proceedings of the Convocation upon the Divorce of Ann of Cleves, authenticated under the hands of public notaries [1061]. For the Laws, Polity, and Civil Government of the realm of England; divers copies of the Laws of several of the Anglo-Saxon, Danish, and Norman Kings. Transcripts of divers of the *Magnæ Chartæ* of King Henry the Third, and an *Inspeximus* and copy of his confirmation, both of the great Charter, and of the similar one, sealed by Prince Edward, at London, on the 10th Day of March, in the year 1264; and which *Inspeximus* is dated 13th of March, in his 49th year; and witnessed by Simon Montfort, Earl of Leicester, Hugh le D'Espencer, the Chief Justiciary, nine Bishops, and fifteen Temporal Lords [489]. Transcripts of sundry ancient Statutes, some whereof have not been printed. Learned readings on those and other Statutes; and extracts of all the private Acts of Parliament, remaining in the Chapel of the Rolls. Exact copies of some parts of Domesday Book, and extracts from other parts; as also from the Red and Black Books of the Exchequer. Transcripts of the *Chartæ Antiquæ*, and other Records remaining in the Tower of London, the Exchequer, the Chapel of the Rolls, and other public repositories; with divers explanatory and other papers relative thereto. Several excellent copies of Breton, Bracton, Fleta, Glanville, Hengham, Horne, and other writers on the ancient Municipal Laws of this kingdom.—Sundry ancient Registers of original Writs, *Formulæ Placitandi*, Year Books, Reports, and *Adversaria* of eminent Lawyers. Historical Accounts of, and Memoranda relating to, Baronies, Serjeancies, Knights-fees, and other Tenures. Copies of

Escheat Rolls, Inquisitions *post mortem*, Pleas of the Crown, &c. together with other law books in great abundance. Plenty of Treatises on the institution, establishment, and jurisdiction of the Exchequer, *Curia regis*, Common Bench, Courts of Wards and Liveries, Star Chamber, and Chancery, as also of the Courts Leet, Baron, Pye Powder, and other inferior Courts; the forms and methods of proceedings in them respectively, and accounts of their several officers, registers, and records. Discourses on the Antiquity, Jurisdiction, and Authority of the ancient great Officers of the Kingdom; to wit, the Marshal, Steward, Constable, and Admiral. The forms, ceremonies, and proceedings used in their Courts; and extraordinary Trials had before them. Original Charters of our ancient Kings, as Edward the Elder, Edgar, Hardicanute, and Edward the Confessor. The famous Charter of King Edgar, wherein he is stiled *Marium Brit. Dominus* [7513], on which great stress has been laid, by several writers, in support of England's superiority over the four seas; but which Charter Dr. Hicks (29) hath evidently demonstrated to be spurious; and to have been, (as many others in the same language likewise were,) forged after the Norman conquest. A most noble and curious book, covered with crimson velvet, and richly adorned with bosses and hasps of silver gilt and enamelled; the cover and all the leaves indented at the top; containing four original Indentures of Covenant, illuminated and embellished with historical miniatures, dated the 16th of July, in the 19th year of King Henry the Seventh, and made between that king and the abbot and convent of St. Peter's, Westminster, for certain Masses, Collects, &c. to be for ever after said in the Chapel of the Virgin Mary, then determined to be built

(29) *Thesaurus Lit. Septentrion.* fol. 85, et *Dissertatio Epistolaris*, 152.

at the east end of that church, as a place of reception of the bodies of the king, queen, and royal family, after their respective deceases; for providing chantry monks there; for founding anniversaries in that and other chapels and churches; for converses and scholars in the University; for maintaining almsmen; for the livelihood amortized to the Abbey of Westminster for those foundations; and for various other purposes. To this Indenture Book, five broad seals of King Henry the Seventh, preserved in silver boxes, parcel gilt, and ornamented with his badges of the Portcullis and Rose Springs, are appendant by strings of silk and gold and silver thread [1498]. (30) Another book, with its cover of blue velvet, and the tops of all the leaves indented; containing an illuminated Quadrupartite Indenture, dated the 20th of November, in the 20th year of the reign of King Henry the Seventh, made between the king, the abbot, and convent of Westminster, the abbot and convent of St. Alban's, and the mayor and commonalty of London; whereby the abbot and convent of St. Alban's oblige themselves to hold a solemn anniversary in their church for ever, and to pray there for the king, the royal family, and the realm. (31) Likewise numerous transcripts of Letters Patent, Signs Manual, Privy Seals, Charters, and sundry historical Law

(30) See in the Catalogue a very minute and accurate account of this elegant and curious Book of Indentures. The counterpart of which indentures, under five seals of the abbot and convent of Westminster, bound and decorated in all respects as the original, is preserved amongst the Records in the Chapter House at Westminster.

(31) On the top of each leaf of this book are part of three letters of the alphabet, the other parts of them being in the counterparts of the Indenture. To this book was formerly appendant a seal, which is now lost, but part of the silken string remains: two of the counterparts of this Indenture, bound and ornamented in the same manner as the original, and with a seal to each, are still remaining; one in the archives of the Church of St. Peter, at Westminster; the other amongst the public Records in the Chapter House there.

Tracts, and Treatises on the Antiquities, Excellence, and Usefulness of the Municipal Laws of the Kingdom.

X. HERALDICAL AND ARMORIAL BOOKS, as Forms of appointing and crowning Kings at Arms, and of the establishment of their subordinate Officers, Grants, Alphabets, Ordinaries, and Tricks of Arms and Ensigns Armorial. Multitudes of Visitations of Kings at Arms throughout all the counties of England, partly originals, and partly fair transcripts. Tracts on the Order of the Garter. Labourd and other Pedigrees of most of the Nobility and Gentry of England, in which frequently occur notes, monumental and fenestral Inscriptions, copies of Ancient Charters, Grants, and other Deeds, illustrating their Family Histories.

XI. REGISTER BOOKS, CHARTULARIES, and other Evidences of the Estates of our ancient Nobility; as, the famous *Liber Niger de Wigmore* [1240], which contains transcripts of almost all the Family Deeds and Evidences of Edmund Mortimer, Earl of March, *temp.* Richard the Second, and his ancestors. The Evidence Book of John Nevil, Lord Latimer [4781]. The Chartulary of the Honour of Segrave [4748], and those of other great families.

XII. CEREMONIALS, POMPS, AND SOLEMNITIES; as the Coronations of most of our Kings and Queens, from the time of the Anglo-Saxons to that of King George the Second. Several transcripts of the *Liber Regalis*, and other Books of Claims of Office to be performed by sundry persons at those solemnities [41, 561, 2091]. Royal and Princely Births, Christenings, and Marriages.—Public Entries, Introductions, Receptions, and Feastings of Royal and Princely Visitors, Foreign Ambassadors, &c. with the forms of their departures, and accounts of the presents made to them on those occasions. Tilts, Tournaments, Justs,

Royal Masks, and other Public Entertainments, Public Processions and Cavalcades. Creations of Princes, Nobility, and Knights of several Orders, &c. Funerals of Kings, Queens, Princes, and great Personages allied to the Royal Family, and also of Persons of Quality and Distinction. And lastly, an infinite number of *Adversaria*, collected by various eminent Antiquaries out of old Histories, Records, Chartularies, Register Books, &c. The utility of all which is acknowledged by every student.

The Principality of WALES, and the Kingdoms of SCOTLAND and IRELAND, make no inconsiderable figure in the Harleian Collection.

XIII. In regard to WALES, here are TOPOGRAPHIES, DESCRIPTIONS AND GENERAL HISTORIES of the Principality. Natural and Civil Histories of several of its Counties; Surveys of Commotes, and Extents of Lands. Statutes touching the Lords Marchers, and Orders for the Observance of the Council of Wales. Transcripts of the Laws of Howel Dha; collections of particular Laws and Customs prevailing in different parts of the Principality; Accounts of the Revenue arising from the Principality; Lists of Fee-Farm Rents; and Pleas of *Quo Warranto* upon Liberties claimed. Transcripts of the Acts, Statutes, and Constitutions of the Bishops of St. David's; Taxations and Extents of Lands belonging to the Bishoprick of Bangor; and Catalogues of the Parishes, Chapels, &c. within the same. Taxations of the Lands annexed to the See of St. Asaph, and the Judgment given in Parliament on the Claim made by John de Warren, Earl of Surry, of the custody of that Bishoprick when vacant. State, Value, and Taxations of the Bishoprick of Landaff. Episcopal and other Charters, Letters Patent, and Confirmation thereof. Conventions, Popes' Bulls, and other Instruments, from the year 1224, to the 32d



year of the reign of King Henry the Eighth [1249]. The Histories of Welch Heroes, by Threes, and a plentiful supply of Pedigrees and Genealogies of Families; together with three volumes of useful materials, extracted by Mr. Hugh Thomas, from a multitude of Public Records, and Private Evidences, in order to his compiling a Genealogical History of the Nobility and Gentry of Wales, and the several Families descended from them, now living in England [6870].

XIV. The Materials relative to the CIVIL AND ECCLESIASTICAL HISTORY OF SCOTLAND are still more numerous and important; amongst them are Descriptions, Histories, Chronicles, and State of the Kingdom. A remarkable transcript of John Fordun's *Scotochronicon*, with the alterations, interpolations, and continuation, made by Patrick Russel, monk of Scone, at the request of Sir David Stuart, of Rossith; and Baston's Verses on the Battle of Bannocks Bourne, written in the year 1484, and not in 1482, as Dempster (32) and from him Bishop Nicholson (33) have asserted, for the use of William Schevez, Archbishop of St. Andrews, by his domestick chaplain, Nagnus Maculloch, a priest of the Diocese of Ross; supposed to be either the famous Black Book of Scone, or the St. Andrew's Copy, or perhaps it is the original from which both of them were taken [712]. Another copy of the same, but written in a hand somewhat more modern [4764]. The Chronicle of Andrew Wyntone, in verse. Ker's, Lindsey's, and other Chronicles. A fine copy of the Chronicle of Mailros. The Life of King David the First, written by Alred, Abbot of Rievaulx [3846]. Inventories of the Rolls or Records of Charters granted by the Scottish Kings. Extracts from the Register of the Exchequer and Acts of the Privy Council. Authentic

(32) *Append. to Hist. Scot. lib. i. b. 2.*

(33) *Scottish Historical Library*, p. 32.

copies of Treaties between the Scottish and French Kings, and accounts of the several privileges granted by the latter, to the subjects of the former. Fair transcripts of sundry public Instruments concerning the vassalage of Scotland and the sovereignty of England over it, which are omitted by Mr. Rymer, in his *Foedera*, and have escaped the diligent eye of John Harding [1294]. Ancient copies of the *Regiam Majestatem*, and transcripts of Acts of Parliament and other Laws of Scotland. Achievements, Arms, Pedigrees, &c. of the Nobility and principal Gentry of Scotland. The Journal of the Treaty of Union; and a vast multitude of truly valuable and interesting Papers of State, partly originals, and partly transcripts. Particularly, a transcript of divers public Instruments concerning the Marriage of Mary Queen of Scots to the Dauphin of France [1244]. (34) Letters on sundry occasions from Mary Queen of Scots, Lord Burleigh, Sir Francis Walsingham, Sir Thomas Smith, the Earl of Murray, Queen Elizabeth, &c. [260, 290, 291, &c.] And other authentic pieces, most of them unnoticed by the writers of those times, but extremely useful in settling many controversial points of the history of that unfortunate princess, and conducive to the disclosing and clearing up the mysterious intrigues carried on during her troubles in France, Scotland, and England, in a better and more true manner than hath hitherto been done either by the oppugners of her conduct, or by her late advocate Mr. Goodall, or any other of her apologists.

(34) Two of these instruments, (viz.) *Don fait par Marie Reyne d'Escoce du dit Royaume d'Escoce au Roy de France, advenant le Cas qu'elle decidda son Hoirs procrez de son Corps. Dat 4 Jour d'Avril, 1557, and Traitte du Mariage de Francois de France fils du Roy Henry II. avec Marie Reyne d'Escoce du 19 Jour d'Avril, 1558*, are printed (though very faultily) in the 6th volume of a collection published at Paris, in the year 1693, under the title of *Recueil des Traittés de Pair, &c.*

**Historical Accounts of the State of the Church of Scotland.** Exact transcripts of the Bulls of Popes Innocent the Second, Alexander the Third, Calixtus the Third, and Adrian the Fourth, enjoining the Scots Bishops to pay obedience to the Archbishop of York as their Metropolitan; and of the Kings of Scotland's recognitions of that Archbishop's right. (35) Rentals of all the great Benefices in Scotland; Tax Rolls of the Abbey Lands; and copies of the ancient Book of Taxations of all the Ecclesiastical Benefices in the kingdom, called Bagimont's Roll, compiled about the same time with that taxation which was made of the Lands of England, by King Edward the First.

XV. The assistances that may be had from this Library for illustrating the HISTORY AND ANTIQUITIES OF IRELAND are likewise equally valuable. As, Chorographies of the Kingdom, and Topographical Descriptions of its Provinces. Ancient and other Histories, Chronicles and Annals as well Ecclesiastical as Civil, more particularly, A venerable copy of the History and Prophecies of that Country, written in the 10th century and in the old Irish language [5280]. A vast number of original Charters and Grants of Lands, given to the several Monasteries and Religious Houses in Ireland, and which F. Stafford, the publisher of Carew's *Pacata Hibernia*, had taken infinite pains in collecting. (36) Many curious Pedigrees, with the Arms and Histories of the principal Nobility. A very ancient transcript of two remarkable pieces of the old Municipal Laws of Ireland, with Commentaries

(35) Another copy of these Bulls is in the Cottonian Library [Cleopatra, C. IV.], from whence they are incorrectly printed in the 3d volume of *Dugdale, Monasticon*, and again in Bishop Nicholson's Appendix to his *Scottish Historical Library*, p. 137.

(36) *Athene Oxon.* vol. i. Col. 452, and Preface to Nicholson's *Irish Historical Library*, p. vi.

of and Glosses thereon. The text in this Manuscript is so very ancient as to be coeval with the times the pieces relate to. The one being seemingly part of the *Bretanime*, or *Judicia Cœlestia*, with the Trial of Euna, brother to Legarius, chief King of Ireland, for the murder of Orane, chariot-driver to St. Patrick, before Dubhthac, the Chief *Fila dha*, or King's Bard; who, on that solemn occasion, acted as sole *brehon*, or judge: with the sentence passed thereon in the year 430. The other, the great Sanction or Constitution of Nine; made in favour of Christianity in Ireland, anno 439, by three kings, three bishops, and three sages [432].

XVI. Many ancient copies of the GREEK AND LATIN CLASSICS AND HISTORIANS. Amongst these are, two copies of Terence, written in the 10th century [2670, 2750]. Another written in the 11th century [5443]. A third written in the 12th century [2656]. Another of the 13th century [2475]. Tully's *Paradoxa Stoicorum*, and his first book *De Natura Deorum*, written in the 8th century [2622]. His Orations against Catiline, written in the 9th century [2716]; and a fine copy of his books *De Oratore*, written in the same century [2716]. A copy of his books *De Inventione Rhetorica, et Rhetoricorum ad Herennium*, of the 10th century [2623]. Another of the same books written in the 11th century [2624]. A transcript of his Epistles, and of several other of his Works, written in the 10th century [2682]; and a copy of his Epistles, written in the 11th century [2591]. A fragment of Virgil's *Æneid*, written in the 9th century [2772]. His *Bucolics*, *Georgics*, and part of the *Æneid*, of the 12th century [2668]. The *Bucolics* and *Georgics*, of the 13th century [2533]; and a transcript of the intire *Æneid*, written in the 12th century [2770]. Two copies of Livy, one of the 10th century [2672], and the other of the 13th century [2492]. An exemplar of L. Florus, of the 10th

century [2620]. *Ovidii Metamorphoseon, libri 12, et Fastorum, libri 6*, written in the 10th century [2737.] *Epistolae* of the 12th century [2709]. *Fastorum Libri* of the 12th century [2655]; and a copy of the same book, written in the 13th century [2654]. A copy of Quintilian, of the 9th century [2664]. A transcript of Lucan's *Pharsalia*, written in the 11th century [2728]. An exemplar of all the Works of Horace, except the Odes, written in the 10th century [2725]. A copy written in the 12th century [3534]: and two others, written in the 13th century [2609, 2724]. A transcript of Sallust, in the 11th century [5412]; and another of the 12th century [2643]. A copy of Statius, of the 12th century [2720]; and three others of the 13th century [2608, 2636, 2665]. A copy of Macrobius, written in the 11th century [5204]; and another of the 12th century [2633]. A beautiful transcript of Pindar, made in 1724, by Thomassen, in imitation of the Oxford edition of the works of that great poet [6611].

XVII. LEXICONS, GLOSSARIES, AND DICTIONARIES of the Hebrew, Greek, Latin, Welch, Chinese, Persic, Arabic, German, Courlandic, Saxon, English, Spanish, and Turkish languages; particularly, a beautiful copy of a Lexicon, Greek and Latin, and Latin and Greek; written in capital letters in the 7th century [5792]; and a most grand copy of a Greek Lexicon, written in the 14th century [5572]. A Latin and Saxon Glossary, written in the 10th century [3376]. The Arabic Dictionary of Abu Nasr Ismael, *filius* Hemâd al Farabi, Al-Turki, with the Supplement of Sherfo'ddin Al-Hasan *filius Mohammedis*, surnamed Al-Sagani, written in the beginning of the 13th century [3446]. A Greek and a Latin Nomenclature, of the 9th century [5642].

XVIII. CHOROGRAPHIES, ANTIQUITIES, HISTORIES, CHRONICLES, &c. of France, and other countries. Ela-

borate Genealogies of their Kings, Princes, and illustrious Houses, and a multitude of Tracts and authentic Papers, explanatory of their Laws, Customs, Revenues, Polity, and Government. Amongst which are, *Gesta Francorum in Bello Sacro*, written in the 11th century [3904]. A Chronicle from Adam, of the 9th century [5251]. *Liudbrandi Ticiensis Chronicon*, written in the 10th century [3713]. As also a beautiful transcript of the fourth and last part of Froissart's Chronicle, in two folio volumes, elegantly illuminated, and having the subject of each chapter represented in an historical miniature painting, highly finished, and placed at the head thereof [4379, 4380]. The other volumes of this curious work are preserved in the French King's Library, and are esteemed amongst its principal ornaments.

XIX. HISTORIES OF POPES and the Transactions of the See of Rome. Accounts of Conclaves held, and Intrigues carried on for the Elections of Popes. Papal Decretals, Bulls, Absolutions and Indulgencies. Forms, Practices, and Registers of their several Courts; as also three remarkable volumes [1850, 1851, 1852], being the original Registers of the Roman Chancery, secretly brought from thence, upon the death of Pope Innocent the Twelfth, by Mons. Aymone, who was Apostolic Prothonotary of that Court. They contain, amongst other things, the Rules to be observed by the Clerks, and Obedientiaries of the Roman Chancery, expediting Papal Bulls, Briefs, Mandates, Dispensations, and Grants, in all causes whatsoever; a List of Fines payable by Ecclesiastics to the Roman See, in all countries under its subjection, on their being admitted to Patriarchal, Metropolitan, Cathedral, or Conventual Churches; Fees and Fines payable to the same Chancery, for obtaining Indulgencies, Licenses, and plenary Absolutions in all cases, as well criminal as civil; and a variety of other interesting matters

evidently demonstrating the impositions practised in order to fill the coffers of the Roman Pontiff. (37)

XX. A great number of POEMS, ESSAYS, DITTIES, ANCIENT BALLADS, PLAYS, and other poetical Pieces, in almost every modern language; many of them hitherto-unpublished, though truly worthy of the press, and others extremely useful to such as shall undertake to give new and correct editions of the works of such poets, particularly those of our own country, as have been already printed. Amongst them are:—A very ancient and fair transcript of Chaucer's Canterbury Tales [1758]; and a copy of his History of Troilus and Cressida, the Knight's Tale, the Man of Law's Prologue and Tale, the Wife of Bath's Tale, and the Clerk of Oxenforde's Tale, neither of which MSS. seem to have been used by the editors of Chaucer; the text in both differing in many places from all other MSS. of that author, as well as from the printed copies of his Poems. A large volume, being a collection of ancient and valuable Poems on curious Subjects, by Chaucer, Lydgate, and other English Poets [2251]; amongst these is a Poem of Chaucer's addressed to his empty Purse, and consisting of twenty stanzas, though no more than the three first have been published; probably for want of the editors of that author's works knowing of this Manuscript. This Poem is still the more curious, as it informs us of some circumstances of Chaucer's life little known; particularly in those lines which contain an account of his imprisonment upon false accusations, and of great part of his other personal sufferings. A fair transcript or translation of Lydgate's Paraphrase, into English verse, of Boccace's Treatise *De Occasu Principum*, illuminated and embellished with historical miniature paintings; being the author's Present-Book to Humphrey Duke of Glou-

(37) See the Account given of these Registers by Mr. Wanley, in the Catalogue; as also *Tableau de la Cour de Rome par M. Aymone*, p. 176.

cester, by whose command he undertook the work [1766]. Lydgate's Lives of St. Edmund and. St. Frœmund, together with divers of his other Poems, illustrated with 120 very elegant historical pictures of different sizes; besides other embellishments of illuminated letters, &c. so as to render it the finest Manuscript of the English language, written in the time of King Henry the Sixth, whose book this was, being presented to him by its author [2278]. A large and beautifully illuminated copy of the *Confessio Amantis* of John Gower [7184]. A very pompous volume, containing a collection of the principal pieces of Chaucer and Gower, finely written and ornamented [7333]. An Historical, Political, and Moral Poem, consisting of 320 stanzas; the subject whereof is the unfortunate reign of King Edward the Second, whose ghost is introduced as relating his transactions and disasters. The author, who is supposed to be Mr. Edmund Spenser [2395], addresses this Poem to Queen Elizabeth. Also the same Poem revised and corrected by many alterations, and fitted up for the perusal of King James the First [2393, and 588]. A very fair and beautiful transcript of the celebrated Poem, intitled, *Le Roman de la Rose* [4425], began in French verse by William de Lorris, continued and finished by John Clopinel, alias John Moone, or de Mehun, of Meun, upon the river Loire. (38) This Manuscript is so richly ornamented with a multitude of miniature paintings, executed in the most masterly manner, (each chapter of the book having prefixed to it a picture explanatory of the subject,) that it is not to be exceeded by any known Manuscript in this or any other library, and is probably the copy which was presented to King Henry the Fourth, the blazon of his arms being introduced in the illuminations, with which the first page of

(38) Molinet, sur le *Moralité de la Roman de la Rose*.



this work is embellished. (39) Many original Poems by John Lydgate, Gower, Trevisa, &c.

XXI. A very large collection both of ancient and modern MUSICAL COMPOSITIONS, with curious Anecdotes relating to their authors; written for the most part by Mr. Wanley, by whom they were amassed, he being not only a great judge of music, but a very able composer.

XXII. Books of ARCHITECTURE, GEOMETRY, GUNNERY, FORTIFICATION, SHIP-BUILDING, AND MILITARY AFFAIRS. Amongst these are, a fine transcript of Vitruvius, *de Architectura*; written in the 9th century [2767]. A copy of Vegetius, *de re Militari*; written at Paris, by Peter de Pass, in the year 1297—[2475]. As also a large volume, written in high Dutch, soon after the invention of fire-arms; being a Treatise on Military Affairs, illustrated with a great number of fine drawings, in water colours, representing the proper forms of Marches, Encampments, and Dispositions of Armies; Orders of Battle, Attacks, Sieges, and Storms of Forts, Towns, Castles, Draughts of Ships of War, Fire-Ships, and Fleets, Bridges of Timber and Stone, Hydraulic Engines, Tools, Instruments, and warlike Machines of every kind; the Form of the ancient British Chariot, &c. [1413].

XXIII. NATURAL HISTORY, AGRICULTURE, VOYAGES, TRAVELS, &c. particularly, an Herbarium, written in Saxon, and in the 10th century [5066]; and a very valuable volume of Geoponics in Greek, with Scholia,

(39) A part only of this Poem is translated into English metre by Chaucer. The author exposes and inveighs so bitterly against the then reigning hypocrisy of the clergy, that he became odious to that body, insomuch that Gerson, chancellor of Paris, says, that if there was no more than one copy of the *Romaunt of the Rose* in the world, and he was possessed of it, in case he might have five hundred pounds for it, he would rather burn it than take the money. And that he thought, that if the author did not repent him of the book before he died, he would vouchsafe to pray for him no more than he would for Judas Iscariot.—*Urry's Chaucer.*

not hitherto published ; written upon silken leaves, and near 500 years old [1868].

XXIV. Many rare MSS. in ASTRONOMY, COSMOGRAPHY, AND GEOGRAPHY; more especially, a copy of HYGINUS's Astronomy, written in the 10th century [2506]. Two very large and beautiful copies of Ptolemy's *Cosmographia* [7182, 7195]; with the Maps accurately laid down and coloured. The initial letter of Jacobus Angelo's Dedication of the Work to Pope Alexander the Fifth (in one of these copies) contains a fine miniature painting, representing Angelo on his knees presenting his book to that pontiff; and in the initial letter of the book itself, is the portrait of Ptolemy, in a graceful attitude, surveying the heavens.

XXV. A vast variety of ALCHEMICAL, CHYMICAL, CHIRURGICAL, PHARMACEUTICAL, and MEDICAL Tracts; one whereof [3469] being a Treatise, in High Dutch, on the Process for finding the Philosopher's Stone, formerly belonged to the famous Mr. Cyprianus, from whose niece, Mrs. Priemer, it was purchased, and presented to Edward Earl of Oxford. (40) This book is divided into a great number of chapters; on the back of the last leaf of each chapter, the subject thereof is represented in an emblematical picture, in which the beauty of its colouring, the disposition of the figures, the elegance of their attitudes, and the propriety of composition, is scarcely to be equalled.

XXVI. A great number of volumes of ORIGINAL LETTERS and authentic transcripts of others, written as well by sundry persons which have been eminent for their high stations in the state, as by those who were remarkable for their literary accomplishments. Of these, the following may be deemed invaluable: The Letters of Foreign Kings

(40) See the note written on the back of the last miniature but five in this MS.

and Princes [1716]. The 18 volumes of original Letters, from considerable Persons [6989 to 7006]. The Collection of Letters to and from Archbishop Sandcroft, in three volumes [3783, 3784, and 3785]. The Collection of Letters, written from learned men to Mr. Humphrey Wanley, from the year 1692 to the year 1725 [3777]. The two volumes of Letters from the most learned Men of the Age to I. G. Vossius, many of them being in the modern Greek, Armenian, and Dutch tongues [7012, 7013]. The Letters which passed between learned Men towards the end of the 16th and the beginning of the 17th centuries [7011]. Three volumes of original Letters from the Royal Family of England [6986, 6987, 6988]. Four volumes of original Letters, chiefly upon literary subjects, to Robert and Edward, Earls of Oxford [7523 to 7526].

LASTLY, a prodigious variety of MSS. which, exclusive of their importance in other respects, are highly valuable on account of the many beautiful illuminations and excellent paintings wherewith they are embellished; those pictures being not only useful for illustrating the subject-matter of the books in which they are respectively placed, but furnishing excellent lessons and useful hints to painters, perpetuating the representations of the principal Personages, Buildings, Utensils, Habits, Armour, and Manners of the Age in which they were painted; and very probably preserving some pieces of eminent Painters, of whose works no other remains are extant. Some of these MSS. have already been occasionally mentioned, and to them must be added—a most noble copy of Bishop Grossthead's *Speculum Humane Salvationis*, every page whereof is decorated with admirable pictures explanatory of its contents [2838]. A translation of Valerius Maximus into French, by Simon de Hesdin, and Nicolas de Gonesse, comprised in two large volumes, with fine historical paintings placed at the head of each

book, representing the principal subjects treated of therein [4372, 3]. [A more modern copy of the same work, no less beautifully painted, but in a different style, 4374 and 5]. (41) Together with another copy of the four last books of the same work, embellished with paintings in the like manner, and by the same hand as the former [4430]. A most noble volume, consisting of the Antiquities of the Greeks and Romans, represented in paintings [4376]. A volume, intitled, *Le Tresor de Maistre Jehan de Mehun*, with paintings [3999]. The Four Elements and Four Seasons, painted by J. Bailly, and intended as patterns of tapestry for the French King [4377].

The great and constant accession of rare Manuscripts to the Harleian Library, soon pointed out to its noble possessor the necessity of having a catalogue of them drawn up; but the finding a person properly qualified for such an undertaking, was, as well as the task itself, extremely difficult. Lord Oxford, however, proved happy in his choice; the person he pitched upon for that employment being Mr. Humphrey Wanley, whose extraordinary genius first showed itself when he was scarce twenty-three years of age, (42) in his compiling the Coventry and Warwick Catalogue, (43) and occasioned him to be recommended to Archbishop Tenison, by Dr. Charlet, then Master of University College in Oxford. (44) Mr. Wanley's learning and abilities were afterwards further made known to the world, by his incomparable Catalogue of the Saxon, Anglo-Danish, and Norman Manuscripts, preserved in all the public and private libraries of England, and which accompanied Dr. Hicks's famous

(41) These four numbers were erroneously mentioned before as one copy of the work.

(42) See his letter to Mr. Keith.

(43) See Cat. MSS. *Angl. & Hib.* fol. 32 and 203.

(44) See Dr. Charlet's Letter to Archbishop Tenison.

*Thesaurus*, under the suitable title of *Antiquæ Litteraturæ Septentrionalis Liber alter*. (45)

As the collection was in the year 1708 (the time when Mr. Wanley first entered upon his compiling the Catalogue) grown very numerous, it may have been expected that his primary care would have been that of arranging the Manuscripts under proper classes, according to the particular species of literature to which each is more immediately related; but the pursuit of such a method would have been attended with inconveniences, and amongst others, have laid him under the disagreeable necessity of unbinding many of the volumes, which contain a variety of articles. For, though most of those volumes are composed of tracts on one and the same subject, yet there are others, and those not a few, which consist of miscellaneous pieces, entirely foreign to each other. The method, therefore, which he seems to have followed in the first instance, was that of entering the books into his catalogue in the same order as he found them placed in the library. However, it is highly probable that he would have been more methodical, as he is more copious, in his intended "greater Catalogue" (46) [which he began, and takes frequent occasion to mention] had he lived to complete that and the present, called by him his "smaller Catalogue." But death deprived us of him on the 6th day of July, 1726, when he had proceeded no further than Number 2407 of the present printed Catalogue.

Although Mr. Wanley has, in his part of the present printed Catalogue, made every volume a separate number,

(45) *Nicholson, Hist. Library*, p. 107.

(46) This greater catalogue consists of two volumes in folio, and is now preserved in the Harleian Library, although not entered as an article in the present printed catalogue. It begins at Numb. 306, is continued on as far as Numb. 1146, and is of the proper hand-writing of Mr. Wanley, as far as the middle of Numb. 433.

yet he has subdivided each into different articles, according to the number and variety of Treatises contained therein. So that there is scarcely a Tract, however minute, comprised in any one volume, which underwent his inspection, that is not taken notice of. In his entry of some articles, he contents himself with inserting the bare title; in others, he mentions the purport of the piece. Of some again (particularly original Letters, and State Papers, of greater importance) he gives an abstract; and when any book of extraordinary value or curiosity presents itself, he gives the reader a full and critical account of its contents, endeavours to ascertain its author, and sometimes extracts its most remarkable passages. Throughout the whole of his observations, he shows his extensive learning, and the solidity of his judgment. His strictures are so just, that we have great reason to lament his not having lived to put the finishing hand to a work, for which he was in every respect so well qualified.

Some time after the death of Mr. Wanley, the Catalogue was resumed and continued from Number 2480, to Number 5797, inclusive, by Mr. David Casley, Keeper of the Cottonian Library, and well known to the learned world, by his Catalogue of the Manuscripts in the Royal Library, which he published in the year 1734. Unfortunately Mr. Casley's other engagements did not allow him sufficient leisure to consider the MSS. so fully as his predecessor had done; so that the entries of such volumes as fell under his examination are extremely concise. But he has made some amends by assigning the age of every Manuscript, adding in capital numbers at the end of the first line of the title of each book, the century after Christ's nativity, in which he supposes such book to have been written, in the same manner as he has done in his Catalogue of the King's Manuscripts — an omission in Mr. Wanley's part of this Catalogue, which is the more

to be lamented, as from his having been many years conversant with ancient Manuscripts, he was perfectly able to distinguish and ascertain the age of every amanuensis. (47)

In the year 1741, the trustees of Edward Earl of Oxford engaged Mr. Hocker, who was afterwards Deputy Keeper of the Records in the Tower, to complete the Catalogue; but his leisure did not permit him to carry it on further than Number 7355.

After the Collection was brought to the British Museum, the Rev. Doctor Brown, Professor of Arabic at Oxford, and Doctor Kennicott, Fellow of Exeter College, in that University, kindly assisted in drawing up titles to such of the Arabic and Hebrew Manuscripts as wanted them; and Mr. Gomez, a professed Jew, was employed to give titles to such as are Rabbinical; the remainder was added by the Under Librarian of the British Museum, to whose care the department of Manuscripts is committed.

Mr. Hocker, in his part of the Catalogue, differs both from Mr. Wanley and Mr. Casley. In his entries of articles, he follows Mr. Wanley's method, by giving a full and explanatory title to every separate Tract contained in each volume; but he avoids all criticism and dissertation, and likewise never attempts to ascertain the century in which any of the Manuscripts were written.

(47) Of this we are likewise assured by Mr. E. Lhwyd, an excellent judge in these matters, in whose letter to Mr. Wanley, dated 6th January, 1702-3, is the following passage:

"I find by your censure of Kolam Kil's Gospel, that you have acquired a more critical skill in distinguishing the date of our oldest MSS. than I thought attainable." See Numb. 3777 in the Harleian Library.

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*[From the Second Preface to the First Volume of the Catalogue, printed by the direction of the Record Commissioners.]*

THIS Catalogue was begun, in the year 1708, by the learned Mr. Wanley, who was librarian to Robert and Edward successively Earls of Oxford; and he appears, from several entries in various parts of his Manuscript Work, to have been employed herein till his death, July 6th, 1726. From that time the work seems to have been laid aside, till about the year 1733; when it was resumed, where Mr. Wanley had left off, at Number 2408, by the late Mr. Casley, Keeper of the Cottonian Library, and well known to the learned world by his Catalogue of the Royal Manuscripts. In about the space of three years Mr. Casley continued the Catalogue to Number 5709.

In June, 1741, died Edward Earl of Oxford, the great enlarger of this Collection of Manuscripts, and soon after his Lordship's trustees ordered the catalogue thereof to be taken up a third time by Mr. Hocker, the Deputy Keeper of the Records in the Tower, who in less than two years completed it as far as Number 7355; and what remained was added by the librarians belonging to this particular department of the British Museum. (48)

It is proper to observe, in justice to Mr. Casley and Mr. Hocker, that the circumstances under which they drew up their respective parts did not allow them the time necessary to complete the Catalogue upon so extensive a plan as that of Mr. Wanley; whose part of the Work contains an abstract of most of the historical Manuscripts, and a critical account of many of the rest. (49)

In this state the Catalogue remained till the year 1800,

(48) [The librarians of the MS. department made occasional corrections as any errors were discovered in the Catalogue of 1759, but nothing was done by them to any extent.]

(49) [The preceding part of the Second Preface is taken from the Advertisement to the Catalogue of 1759.]



when, at the suggestion of His Majesty's Commissioners for the arrangement and preservation of the Public Records of the Kingdom, (50) the trustees of the British Museum engaged the Under Librarian of the Manuscript department (51) to revise and correct the latter part of the Catalogue, beginning from Number 3100. It was not at first supposed that any great length of time would be required for the purpose of revision; but, as the work proceeded, it soon became manifest that, to obtain the necessary degree of correctness, and to make that latter part of the Catalogue bear any kind of proportion to the former, would be a matter of much labour, and must occupy more time than could be easily defined by anticipation. It might indeed have been calculated, that, as Mr. Wanley, by the above account, had employed eighteen years in describing 2408 Numbers; Mr. Casley and Mr. Hocker, three and two years respectively, in making their additions, in the very brief and inadequate way in which they were executed; (52) the complete revision, and con-

(50) As appears by their Report, page 8.

(51) [Mr. Nares.]

(52) [The defects in the labours of some of the former compilers may best be understood from the perusal of the following extract from a letter written by Mr. Nares in March, 1803 :—

“ The correction and extension of the Catalogue of the Harleian MSS. has now been carried on and completed as far as No. 5544. The most remarkable deficiency which I have lately observed was at No. 5537, which was described only in these words, ‘ *Apostolos, cum Lexico. Scriptus, A.D. 1087. Gr.*’

“ This book is, in fact, a very valuable MS. collated by Mill, and called by him ‘ *Codex Covellianus secundus*,’ having belonged to Dr. John Covell, Master of Christ's College, Cambridge, about 1679, &c. It is undoubtedly of the 11th century, and contains the Acts of the Apostles, all the Apostolical Epistles, and the Book of Revelations, in Greek, with marginal illustrations and lists of chapters, and arguments to some of the books peculiar to itself: with a Lexicon of the remarkable words, which a learned foreigner, to whom Covell had lent it, has transcribed entirely, on some papers subjoined, and illustrated with references to Hesychius and other authorities. He has added also a complimentary inscription to Dr. Covell, dated 1710. I judged it absolutely necessary to number the leaves of this important Manuscript, to note the order of the

siderable augmentation of near 5000 numbers could not be performed in a very short space. It employed, in fact, all the time and diligence that could be given to it by the compiler, till May, 1806, when the beginning of volume the third was sent to press.

Nor could even this progress have been made without the following assistance. In the beginning of 1801, the Rev. Stebbing Shaw, then engaged in writing the History of Staffordshire, offered his services in examining the topographical, genealogical, and heraldical Manuscripts, and the librarian, by permission of the trustees, engaged him, at his own expense, for that purpose. This aid, however, was not of long duration, on account of the illness of Mr. Shaw in the summer of 1802, and his death, on the 28th of October, that same year; but his diligence had performed as much as could be expected

books, the chasms, marks, and other peculiarities of it; so that the present account amounts to nearly three pages of folio paper, yet contains, I believe, nothing that is at all superfluous.

"This is the latest instance of deficiency that has occurred, of much importance; but the whole of the former account, from the place where I began, is so defective, that scarcely a number occurs which does not require some additions, and few that do not demand a large quantity. In general the accounts are defective, but they are often also erroneous. Thus No. 5299 is described '*Poema Gallicum Delphino inscriptum*,' whereas it is a French translation, line for line, of the five first Books of the Orlando Furioso. No. 5372, in the old Catalogue, mentions six Tracts, by old Latin Grammarians, Servius, Donatus, and others. There are, in fact, ten of them, and some not contained in Putschius's valuable Collection. Of the six articles there enumerated, two are described as quite different to what they are, and attributed to wrong authors, so that only four are rightly mentioned out of the ten. The MS. is a fine one, and well preserved, of the 15th century.

"This is a very fair specimen of the manner in which this latter part of the Catalogue was executed before. In drawing up the new account, I have made it, as nearly as I could, on the plan of the first 3000 Numbers, so admirably described by Mr. H. Wanley, who collected a large part of the MSS. for Lord Oxford; and in doing this, I have found it necessary not only to fill an interleaved Catalogue, from the place where I began, but also more than 400 pages of folio paper, closely written. A large part of the MSS. have also required to have their leaves or pages numbered."]

while he was employed. Mr. Shaw was fond of the part for which he engaged, it was coincident with his other pursuits, and auxiliary to them; and if there was a fault in what he did, it was on the side of redundance rather than deficiency.

After the printing of the third volume was begun, it was discovered by the compiler, that the numbers from 2408 to 3100 also wanted revision, and required many additions, to make them at all uniform with either the first or the last part of the work. This task was therefore voluntarily taken up, and continued till the summer of 1807, when other views induced him to resign the office of librarian, and retire to a country residence. At this period he had not advanced beyond 2700, having been much impeded by attention to the part which was then printing.

The chief part of what remained was afterwards taken in hand and revised by Mr. Douce, who showed great skill in executing the small part which he undertook. (53) It should not, however, be omitted, that some additions to this part, which now forms the latter end of the second volume, had been made by Mr. Planta, while he was the librarian of that department.

The very extensive additions which it was found necessary to make, without at all approaching to the degree of minuteness observed by Mr. Wanley, will be estimated at once, by comparing the bulk of the present third volume with that part of the original second volume, which was occupied by the description of the same numbers. But it will be more important to point out, following the divisions of the former preface, some valuable MSS. which have been brought into notice by this second research.

(53) [Mr. Douce principally revised that portion of the Catalogue then in the progress of printing, which contained the Breviaries, *Horæ*, and other Service Books of the Romish Church.]

I. BIBLES, and BIBLICAL BOOKS. Also, VI. EVANGELISTARIA, &c. Under these heads, no notice was taken in the former preface, nor any sufficient description given in the Catalogue, of the five Codices called by Dr. Mill *Covelliani*, being then in the possession of Dr. Covell, Master of Christ's College, Cambridge, from whom they were purchased by the Earl of Oxford. 1. *Codex Covellianus primus* [5776]. This valuable copy of the Four Gospels in Greek was not known to Griesbach, who has described most of the rest, probably from its not being properly noticed in the Catalogue. It appears not to be less ancient than the thirteenth century, and was given to Dr. Covell, when Chaplain to the Embassy at Constantinople in 1764, by Daniel, Archbishop of Proconnesus, as is described in the book itself. It is described at § 1481, in Dr. Mill's *Prolegomena*. 2. *Codex Covellianus secundus* [5537]. This volume, which was written in the 11th century, contains the Acts of the Apostles, the Epistles, and the Apocalypse. Dr. Covell purchased it at Constantinople in 1679. It has been described by Mill in his *Prolegomena*, § 1482; and by Griesbach, in his *Symbolæ Criticæ*, vol. 2. p. 148 and 184. He has also collated it. 3. *Codex Covellianus tertius* [5557]. This also contains the Acts and Epistles, but has not the Apocalypse. Dr. Mill describes it in § 1485. Griesbach does not seem to have known it. By some unaccountable mistake, this book appears to be mentioned in the former preface as a transcript of 2829, which is in Latin. (54) An ancient Menology, prefixed to it, is properly introduced in § VII. (55) The Manuscript in general seems to be of the 11th century; the Menology, probably, a little later. 4. *Codex Covellianus quartus* [5620]. Its age is uncertain; a Greek has inserted a note as if he wrote it in 1663, but the hand is very different, and it is possibly somewhat

(54) See page 65.

(55) Page 70.

older. Mill and Wetstein have supposed it a transcript of Wetstein's 35. It is described by Mill. Prol. 1487; and by Griesbach, *Symb. Crit.* tom. 2. p. 151. It contains the Acts of the Apostles, and all the Epistles. 5. *Codex Covellianus quintus* [5778] vel *Sinaiticus*. This MS. originally contained the Acts of the Apostles, all the Epistles, and the Apocalypse, but has been much injured by damp, and much of it lost. Mill has described it in § 1488. Griesbach does not seem to have known it. But the parts that remain are valuable, being probably of the 12th century. An ancient volume, containing the Four Gospels and a Menology [5777] was considered by Dr. Covell as a transcript of his *Codex* 1. [5776]. A few other Manuscripts belonging to this class deserve further notice. Among these is a more modern Hebrew Roll, similar to 5619, but very finely written. A Manuscript containing the Acts and Epistles in Greek, written on silk paper, probably in the 13th century. It has been collated and described by Griesbach [5588]. A copy of the Four Gospels, probably as old as the 11th century, written in Greek, on vellum, with *Scholia* somewhat more modern than the text, but still ancient [5540]. A Paper Manuscript of the Acts and Epistles in Greek, but containing four vellum leaves as old as the 10th or 11th century, which, as well as the volume itself, have been carefully described by Griesbach. That critic considers the four ancient leaves as having belonged to a MS. of particular excellence [5613]. A memorable copy of the Four Gospels in Greek, a large quarto written in uncial or capital letters, probably as old, at least, as the middle of the 10th century, and highly esteemed both by Woide and Griesbach [5684].

As it appeared desirable to mention the principal *Codices Covelliani* together, the first and sixth classes of the former preface have here been united. It may pro-

perly be mentioned that an engraved specimen of the valuable *Evangelistarium*, 5598, will now be found in the plate prefixed to Woide's Edition of the Alexandrine MS. of the New Testament.

IV. LITURGIES, and LITURGICAL BOOKS. Among these may be mentioned a curious Psalter, with Grotesque or Arabesque Illuminations. The book contains also some Offices and Prayers [5764]. A Psalter in Greek, Latin, and Arabic, disposed in parallel columns, and dated in the middle of the 12th century [5786].

VII. MARTYROLOGIES, &c. A magnificent copy of the Golden Legend in English, belongs properly to this head. It is written on 264 leaves of vellum, of the largest size, and is of the 15th century [4775]. Extraneous to the book and its contents, is inserted a modern print of the Fair on the Thames in 1716. The *Gesta Romanorum*, being undoubtedly composed with religious views, may also be here introduced, and of this there is a fine copy on vellum [5259]. Seventy Stories of an English Imitation of this Work appear in another MS. with various other matter [7333]. On these Works and MSS. several valuable remarks appear in Mr. Douce's *Illustrations of Shakespeare*, vol. 2. p. 363, &c.

IX. ENGLISH TOPOGRAPHY, ANTIQUITIES, and HISTORY, &c. Six curious volumes, containing very copious historical Collections, from the year 1662 to 1672, had by some means been separated and overlooked in this Library. They will now be found at Numbers 4060, 4061, 4062, 4728, 4729, 4730. An imperfect, yet remarkable copy of Bishop Burnett's *History of his own Times*, differing in many respects from the printed editions; and occasionally well illustrated by the remarks of Dr. Gifford [6584]. A Description of England, written by Mich. Suriano, an Italian, probably a Venetian, in 1556 [3473<sup>3</sup>]. Some historical Notes written in an inter-

leaved Ephemeris, chiefly remarkable for being the private observations of a man so much the object of notice as Partridge the Almanac-maker [6200]. On the subject of English Law, under this head very large additions might be made, and particularly under the title of Readings on the several Statutes a very considerable class might be formed. It shall suffice, however, to mention the single Manuscript of Lord Coke, containing his original Notes on Littleton's Tenures, formerly one very large volume, but now, for the sake of preservation, bound in four. It contains, besides the legal Notes, many private Memorandums concerning the author, his various promotions, and his family [6687].

X. HERALDICAL, &c. The most remarkable Genealogies of the Shirley Family, written in Latin and English by Thomas Shirley, who translates his own names whimsically into Greek, *Thomastos Caloleimon*, (56) [4023, 4028, 4928]. Also a splendid book of the Arms of Knights of the Garter, from the foundation of the order, blazoned in colours, but not continued so far as intended [5831].

XIV. HISTORY OF SCOTLAND. The Continuation of Hector Boethius's History, from 1437 to 1586, written by Robert Lindsay, of Pitscotties; assisted by other respectable men of his own country [4687].

XVI. GREEK AND LATIN CLASSICS. Under this head much remains to be remarked, in addition to the former notices. Among these the first that deserves notice is the valuable copy of Homer's Odyssey, collated by the late Professor Porson, with great diligence, for the Grenville edition [5674]. Several other copies of Homer might be mentioned, but this is the most important; they will be found distinctly described in the Catalogue. Another

most remarkable volume is the Lucian, a beautiful Manuscript of the 10th century, which, as well as the preceding, once formed a part of the library of Cardinal Antonio Seripandi, a celebrated collector of classical Manuscripts. It is the very volume which was presented by the famous John de Witt, to Jensius; whose collation of its readings may be found in the edition of Hemsterhusius. Though it is imperfect, and contains only a part of the works of the author, it is, from its age and beauty, of the highest value [5694]. A volume containing a part of the Morals, or smaller Works of Plutarch, remarkable for containing two Tracts, numbered 17 and 18 in the book, which had never been printed, till they were copied for that purpose by Mr. Tyrwhitt [5612]. Several copies, more or less perfect, of the Orations of Demosthenes, some known to Dr. Taylor, and some not [5670, 5724, &c.]. The *Organon*, or logical Works of Aristotle, fairly written on paper, with the *Isagoge* of Porphyry [5599]. A noble copy of the *Bibliotheca* of Photius, which was formerly the property of Henry Stephens, and contains many Annotations by him. It is now bound in two volumes [5591—3]. Besides these, are many copies of various parts of the works of Cicero, Virgil, Horace, Ovid, and all the Latin classics; there are also many important volumes of modern critics, illustrative of the classics; particularly two, which appear to have been the collections of Jo. Michael Dilherr [3521 and 3837]. Lectures, or *dictata* on Petronius Arbiter, by J. F. Gronovius [5739]; Lectures of John Meursius on the Works of Theophrastus, whether lost or extant [5384]. Notes on Cicero's Epistles, on Petronius, Tacitus, &c. [5379, 5385]. A complete and very laborious Commentary on the *Alexandra* of Lycophron, by Ambrose Fisher [4067], and, by an anonymous writer, most laborious and extensive Collections to illustrate the History of Dion Cassius [6351].



To these we may add some early Translations of the Greek Classics, written in the most splendid and beautiful manner: such as a large part of Plato's Works by Ficinus [3481], followed by a Digest of the Platonic Theology, as understood by that commentator, in eighteen books [3482]. Few Manuscripts are more splendid than the two here mentioned. They are rivalled, however, if not surpassed, by a Collection of 26 Lives from Plutarch, translated into Latin by L. Aretino, Guarini, Francis Philelphus, and other literati of that period [3485]. Of equal if not superior splendor are the four volumes containing a Translation of the Works of Josephus [4960, 61, 62, and 63]. Several early French Translations of Classics also appear, in the most magnificent form, in this Collection. Of these the most remarkable, the two copies of Valerius Maximus [4372—4375], have been mentioned in the former preface, on account of their illuminations, which are, in their respective styles, as beautiful as any that can be named; but it was not observed that each contains the complete version of Simon de Hesdin and Nicolas de Gonesse, with Notes and supplemental Histories by those translators. In these there may be also variations. The Translation of Boethius *de Consolatione*, by John de Meun, the continuer of the *Roman de la Rose*, in five elegant volumes, with illuminations, must not be omitted [4335, 6, 7, 8, and 9]. There is also a Spanish Translation of some Works of Cicero, very elegantly written [4796]. Not to extend this article too far, there shall only be noticed, in addition, the laborious *Index Latinitatis*, or *Index Verborum*, to Pliny's Natural History, by A. de Grau, which amounts to 1501 pages of writing [4837]. The same laborious person also compiled Indexes to Seneca and Rutilius [4823].

XVII. LEXICONS, VOCABULARIES, &c. Among these the most remarkable is a Greek Lexicon, mentioned in-

deed in the former preface ; but it may be useful to add, that it seems exactly to agree with one in the French Royal Library ; and contains the initial inscription, more correctly written [5572]. It is of the 13th century. A very ancient Greek and Latin Vocabulary, conjectured by Dr. Morton to be as old as the 7th century, but certainly of venerable antiquity [5792]. An *Etymologicon Linguae Latinæ*, compiled from the Notes of Donatus on Terence [4738]. An Abridgment of Somner's Saxon Dictionary, which appears to have been the work of Mr. Humphrey Wanley [3317].

XVIII. FRENCH HISTORY AND ANTIQUITIES. The great stores of this kind which the Harleian Collection comprises have been hitherto overlooked, but they are very extensive. They consist of many volumes, containing a vast number of papers, collected by the Chancellor Segulier, which extend from Number 4435 to 4472 ; in quarto and folio ; and again commence in 4489, and many subsequent Numbers, as far as 4530. These are followed by the Collection of the Count de Brienne, who appears also to have possessed the former. It extends to 4551, and appears again in subsequent parts of the Catalogue. These collections, which consist of State Papers, and Letters from persons in the highest situations, cannot fail to contain very important materials towards the history of the times to which they belong. In addition to these, mention should be made of the splendid volume on the Ordinances and the Knights of the Golden Fleece [6199].

XX. POEMS, &c. Of poetical works in various languages, a great number will now be found to be described, which were either not ascertained before, or noticed in a very slight manner. Among these, some of the most remarkable are the following. The Life of the Virgin Mary, by John Lydgate, of which there are two copies [3862, 3952]. Some fine and ornamented copies of the Poetical

Works of Petrarch, either entire or in parts [3410, 3411]. Also a volume of his Works, professedly transcribed from a very ancient copy [3264]. Of ancient Poems in the French language, not to mention the transcendent copy of the *Roman de la Rose*, with its beautiful illuminations [4425], as it was noticed in the former preface, the most remarkable is the large and splendid volume of the works of Christine de Pisan, containing, in some of the illuminations, the portrait of the author [4431]. This magnificent and curious volume was only marked before, as *Une volume des Balades, Virelais, &c.* A beautiful copy of a Prose Tract by the same author appears at No. 4605; also her *Corps de Policie*, No. 4410. Some of the Poems of Mary, the Norman poetess, which have been the subject of dissertations in the *Archæologia*, are preserved in this collection; particularly her Translation of the Fables of Æsop [4333]. The verses of Sanson de Nanteuil are also curious [4388]. Likewise several other French Poems or Romances [4390, 4399, 4401, 4404].

XXI. MUSIC. The most remarkable treasure of this kind is contained in six folio volumes [7337—7342]. It is a collection of Anthems, Services, &c. used in the Church of England, from the Reformation to the year 1720. Dr. Tudway, organist and composer to Queen Anne, collected these productions, with great care, for the Earl of Oxford; and appears to have transcribed them himself into the books. The work was gradually continued for several years, and contains Introductory Dissertations, in the form of Dedications, to the several volumes, by the collector.

XXII. ARCHITECTURE, &c. Under this head may be noticed a singularly curious Tract, of a mechanical nature, in which the first discovery of the principles and practice of the Steam Engine seems to be fully announced, by Sir Samuel Morland, who styles himself Master in Me-

chanics to his Majesty the King of Great Britain, Charles the Second. The book contains not only the plan and the diagrams, but the calculations for the work, and was presented to the French King; possibly because it did not meet with sufficient attention at home [5771].

XXIII. NATURAL PHILOSOPHY. Here we should not pass over an unpublished Tract on Optics, by Hobbes, fairly written, as for the press [3360].

XXIV. LETTERS, &c. Too distinct a notice cannot be taken of four inestimable volumes of original Letters, which passed between the most celebrated scholars and critics of the sixteenth and seventeenth centuries. They are not transcripts but the very letters, in the hand-writing of their respective authors, whose names will at once explain their value. Among the writers are these. I. Fred. Gronovius, N. Heinsius, I. I. Chifletius, Js. Vossius, I. Geo. Grævius, Hadr. Valesius, M. Meibomius, Petrus Victorius, Joach. Camerarius, Obertus Gifanius, Justus Lipsius, Cl. Salmasius, Elias Putschius, Erasmus, Js. Casaubon, Jan. Gruterus, and very many more; insomuch that hardly any celebrated man of that class can be named, whose autograph is not in those four volumes [4993, 4, 5, 6].

It is evident that an enumeration of this kind might be carried to a much larger extent. But it shall now be closed, with the hope that the public may derive, from this fresh examination of so large a part of the Harleian Collection of Manuscripts, all the advantage which the care and labour bestowed upon it were intended to secure. That many things are still imperfectly described is certain, and that they must have been so, unless twice or three times the length of examination had been bestowed upon them. Some errors also will doubtless appear, in a work of such extent and variety; but it is trusted that, with the aid of the ample Indexes of Persons, Places, and

Matters, now subjoined to this Catalogue, such a key to this inestimable repository has at length been put into the hands of the learned, that nothing of great value or importance can long escape the researches of the diligent inquirer. (37)

(37) [The Indexes of Persons, Places, and Matters, were compiled by Mr. Horne, upon an improved plan, which is explained in a short Preface to the Fourth Volume, the whole of which they fill.]

## CHAPTER V.

### ACCOUNT OF THE LANSDOWNE MSS. AND CATALOGUE.

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*[From the Preface to the Catalogue printed by the direction of the Record Commissioners.]*

THE Collection of Manuscripts which forms the subject of the above-mentioned Catalogue, was purchased in 1807, by a vote of Parliament, of the representatives of the then late Marquis of Lansdowne, for the sum of £4,925.

It is divided into two parts; the first division or class consisting of the Burghley Papers only; the second, comprehending the remainder of the Manuscripts in general, including the Cæsar and Kennett Papers.

Of the Burghley Papers, one volume contains copies of Charters and other Documents of an early period; but the remainder, amounting to one hundred and twenty-one volumes in folio, consist of State Papers, interspersed with miscellaneous correspondence, during the long reign of Queen Elizabeth; and among these is the private memorandum-book of Lord Burghley. The Burghley Papers descended from Sir Michael Hickes, Lord Burghley's secretary, to his great grandson Sir William Hickes, who about 1682 sold them to Richard Chiswell, a stationer in London, who again disposed of them to the Reverend John Strype, Vicar of Low-Leighton in Essex. On Strype's decease his representatives sold them to Mr. James West.—Strype, it need scarcely be added, had made an extensive use of these papers in his different

works on English ecclesiastical history.—After Mr. West's death, they came into the possession of Lord Lansdowne.

To this part of the Catalogue, on account of the importance of the papers, a separate Index has been added.

Of the remaining manuscripts, in a series of more than fifty volumes, are comprised a large portion of the papers and correspondence of Sir Julius Cæsar, Judge of the Admiralty in Queen Elizabeth's time, and Chancellor of the Exchequer and Master of the Rolls in the time of King James the First and King Charles the First. Sir Julius Cæsar's Manuscripts, consisting originally of one hundred and eighty-seven volumes, were dispersed by auction in 1757, when nearly one-third of the collection was purchased, in single lots, by Philip Carteret Webb, Esquire; after whose death they were again purchased, together with other manuscripts, by Lord Lansdowne, at that time Earl of Shelburne. Of the volumes purchased by Mr. Webb, and now in the Lansdowne Collection, thirty-one relate directly or in part to Admiralty concerns; ten to Court of Request, Treasury, Star-Chamber and Exchequer business; three to Ecclesiastical matters; two contain copies of Treaties; one relates to the state and government of Ireland; and the rest are historical, parliamentary, &c.

The Papers of Dr. White Kennett, Bishop of Peterborough, extend through a hundred and seven volumes of different sizes; the greater part written by the Bishop's own hand. Of these, many relate to English Ecclesiastical history, containing collections from ecclesiastical records, notes from cathedral and abbey registers, transcripts from old manuscript tracts and printed books, collections for the History of Convocations, &c. An immense volume, entitled, *Diptycha Ecclesiæ Anglicanæ*, contains an account of the regular succession of all the principal dignitaries of the different cathedrals of England

and Wales, from the time of the Norman conquest to the reign of King William III, together with an attempt at a series of the abbots, priors, and prioresses of different monasteries alphabetically arranged; the whole abstracted from patent rolls, chartularies, chronicles, &c. Eleven volumes contain Bishop Kennett's biographical Memorials, mostly of the English Clergy, from 1500 to 1717. Eight volumes contain collections for a register and chronicle of the Church of England from 1660 to 1679 (1). Four volumes contain materials for an Ecclesiastical history of England from 1500 to 1717. Eight or ten contain collections for a History of the diocese of Peterborough; and one is filled with Etymological collections. Some of these manuscripts have been the materials for the Bishop's printed works; but the larger and more miscellaneous quantity, particularly in biography and local history, have been unused.

Exclusive of these larger series, the Lansdowne Collection of Manuscripts comprehends many valuable Works on different subjects.

In British history, Topography, and Jurisprudence, for the limited extent of the collection, it is particularly rich; and here, a beautifully illuminated manuscript of Hardyng's chronicle, as it was presented by its author to King Henry the Sixth, in the middle of his reign, deserves especial notice. It was formerly Sir Robert Cotton's; and differs from the printed copies of the Chronicle (which come down to King Edward the Fourth's time) so much as not even to admit of collation. Here also may be noticed, a fair transcript of the Chronicle of Andrew of Wyntown: A Collection of Laws, Statutes, Orders, Commissions, and Treaties, relating to the Marches or

(1) A portion of these volumes, including the period from 1660 to 1663, was published in folio in 1728, under the title of the first volume of Bishop Kennett's *Register and Chronicle*.



Borders of Scotland, as made and agreed on by the respective Sovereigns of England and Scotland, from 1249 to 1597; A Collection of Royal Proclamations, from the 19th of Henry VII. to the 17th Cha. I. and three volumes of Original Correspondence, the first containing Letters written by royal, noble, and eminent persons of Great Britain, from the time of King Henry the Sixth to the reign of His present Majesty; the second and third, Letters written by Foreign sovereign Princes, and other eminent strangers, during the sixteenth, seventeenth, and eighteenth centuries; amongst the more important documents in the first of these volumes is the memorable letter of Lady Jane Gray, as Queen of England, to the Marquis of Northampton, requiring the allegiance against what she calls "the fayned and untrewē clayme of the Lady Mary, bastard daughter to our great uncle Henry th'eight of famous memorye."

Three Portfolios contain original letters written in the years 1655, 1656, 1657 and 1658, by various persons, to Henry Cromwell, when chief governor of Ireland, being a part of those used by Dr. Birch, the editor of Secretary Thurloe's State Papers; two volumes of papers also, formerly belonging to William Bridgeman, Esq. under-secretary to the Earl of Sunderland in the time of King James the Second, and secretary to the Board of Admiralty in the time of King William the Third, contain the principal depositions taken before the Privy Council at the time of Monmouth's rebellion. In topography, exclusive of Mr. Warburton's collections for Yorkshire, and a large and very curious assemblage of epitaphs and arms, drawings of monuments, painted glass, &c. chiefly collected by Nicholas Charles, Esq. Lancaster Herald in the time of James the First, are numerous abbey and other registers or chartularies. Amongst them are registers of the Priory of St. John of Jerusalem, of Harewood Priory in York-

shire, of Lunda, Monk Bretton or Breton Priory, in the same county, of Gerondon in Leicestershire, of Malmesbury Abbey, of the Abbey of Melsa or Meaux in Yorkshire, two registers of Chertsey Abbey, and one of the prebendal church of Edyndon in Wiltshire, Registers of the Almoner of St. Alban's, and of the Infirmarer of St. Edmundsbury Abbey; a Register of the muniments of Oriel College, Oxford, compiled in 1397; a Register-book of the Archbishop of York, written about 1309; and a rental of the Priory of Coventry. There is also a fragment of a Register of the Priory of Christ Church or the holy Trinity, in London.

Five volumes contain Mr. Petyt's Parliamentary collections, beside several other manuscripts relating to Parliamentary history and proceedings. There is likewise a very valuable treatise on the Court of Star Chamber, written in the time of King James the First and King Charles the First, by William Hudson, Esq. of Gray's Inn; an ancient transcript of the Testa de Nevil: numerous manuscripts of the *Antiqua*, and *Nova Statuta*, and fifteen volumes of selections from the Patent Rolls in the Tower of London. Above fifty volumes contain Reports of Law Cases, from the time of King Henry the Eighth to the time of King Charles the First, beside numerous other volumes of Law collections, readings, entries, pleadings, &c.

The Heraldical and Armorial manuscripts in this collection are rather numerous, by Segar, Lee, the St. Georges, Dugdale, Harvey, Le Neve, &c. together with a curious volume of papers, chiefly of the 15th century, illustrating the institutions of Chivalry in England, the greater part of which once belonged to Sir John Paston, of Norfolk. There are also several manuscripts relating to Coronations.

Upon Coin and Coinage there is a valuable work, which seems to have been intended for publication by its author,

entitled, " Brief memoirs relating to the Silver and Gold Coins of England, with an account of the corruption of the hammer'd moneys and of the Reform by the late grand coynage at the Tower and the five Country Mints, in the year 1696, 1697, 1698 and 1699;" by Hopton Haynes, Esq. Assay Master of the Mint, A. D. 1700.

In Biblical learning, the Lansdowne collection possesses two volumes of particular interest. One is a fine manuscript of part of the Old Testament in English, as translated by Wicliffe; the other is a volume elegantly written on vellum and illuminated, containing part of a French Bible, translated by Raoul de Presle or Praelles, at the command of Charles the Fifth of France; a version of extreme rarity even in that country. Among the few manuscripts in Theology also are five volumes of Saxon homilies, transcribed by Mr. Elstod and his sister.

Of Classical Manuscripts, there are copies of Cicero *de Rhetorica* and *de Officiis* of the fifteenth century; a copy of Martial of the fourteenth; Virgil, Suetonius, and the works of Boethius of the fifteenth; a manuscript containing part of Horace, with the Satires of Juvenal and Persius, which formerly belonged to Matthias Corvinus, King of Hungary, of the fifteenth century; a fac-simile of the celebrated Virgil in the Vatican Library, made by Bartoli in 1642. There is also a French translation of the first ten books of Livy, by Pierre Berceure or Bercheur of the fourteenth century.

In Poetry, beside two beautiful manuscripts of the fifteenth century on vellum, one containing the Sonnets of Petrarch, the other the *Comedia* of Dante, is a very fair and perfect copy, also on vellum, of the Canterbury Tales of Chaucer, written about the reign of Henry the Fifth; in the initial letter of which is a full-length portrait of the author. In this department of literature also may be named, a volume, partly on vellum and partly on paper,

containing a collection of the poems of John Lydgate, monk of Bury, many of which have never been printed; an unpublished poem by Skelton entitled, "The Image of Ypocresye," believed to be the author's autograph; and a translation by Hugh of Caumpeden, of "The History of King Boccus and Sydracke the philosopher."

There is likewise a volume containing near twenty very interesting Treatises on music of the fifteenth century, originally belonging to John Wylde, precentor of Waltham Abbey, and afterwards to Thomas Tallys, organist to King Henry the Eighth; a manuscript which has been particularly commented upon by Sir John Hawkins and Dr. Burney, in their respective Histories of Music.

Among articles of a miscellaneous nature may be noticed eleven volumes of the papers of Dr. John Pell, Envoy from Oliver Cromwell to the Protestant Cantons of Switzerland, between 1654 and 1658; five volumes of Sir Paul Rycaut's papers, containing not only Letters, &c. of a public nature, while Sir Paul Rycaut was secretary to the Earl of Clarendon in Ireland, in the reign of James the Second, but also his letters and papers relating to public transactions while resident at Hamburgh, and the other Hanse towns; three volumes of the Earl of Melfort's letters during his negotiation at Rome in 1690; a volume of original letters from Mr. Thomas Hearne, of Edmund Hall Oxford, to Mr. James West, principally on subjects of literature, and two volumes of a Diary kept by Humphrey Wanley of occurrences relating to the Earl of Oxford's library and collections, whilst under his care, from 1715 to 1726; a Chinese Map of the country of China; a hundred views in the interior, and a hundred and eighty-two drawings of the different trades, plants, fruits, and vessels of that country, all executed by native artists of the first ability, complete the present enumeration.

It may be proper to add, that the Burghley papers, with

a very large portion of the numbers in the second part of the first volume, were catalogued by Francis Douce, Esq. the late Keeper of the Manuscripts in the British Museum. The remainder, including the Cæsar and Kennett Papers, with about two hundred other volumes, together with the revision of the whole of the second part, was made by Mr. Ellis, the present keeper of the Manuscripts. (1)

(1) [*Bibliotheca Manuscripta Lansdowniana, a Catalogue of the Entire Collection, on Paper and Vellum, of the late Most Noble William Marquis of Lansdowne.* London, 2 vols. 8vo. 1807. This Catalogue was framed in part from the Papers of Mr. Matthews, Secretary of the Marquis. It was printed by order of that Nobleman's Executors, preparatory to the intended sale of the Manuscripts, in single lots, by public auction.]

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## CHAPTER VI.

### THE STATUTES OF THE REALM.

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*[From the Introduction to the Authentic Collection of the Statutes printed by the direction of the Record Commissioners.]*

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#### I. FORMER PRINTED COLLECTIONS, TRANSLATIONS AND ABRIDGMENTS OF THE STATUTES.

AN historical enumeration and description of antecedent publications of the Statutes, will best contribute to a right understanding of the necessity and origin of the Authentic Edition of the Statutes; and of the principles upon which it was planned and executed. (1)

The Statute Rolls, previous to the beginning of the reign of Henry VII., being sometimes in Latin and sometimes in French, and from that time uniformly in English, the printed editions, according to their several periods, contain the statutes, either, 1st, in the languages in which they were respectively passed, proclaimed, or printed; during various periods, from the time of Hen. III. to the end of the reign of Rich. III., without any translation; or, 2dly, translated for the whole or some part of those

(1) All the publications in print of General Collections, Translations, and Abridgments of the Statutes, and of the Acts of particular Sessions, which have been discovered, are specified in two Catalogues subjoined to the Introduction to the Authentic Collection of the Statutes.

periods; and during subsequent periods in English; or, 3dly, in Latin and in French respectively, to the end of Edw. IV. or Rich. III., inclusive, with or without a translation; and in English from the beginning of Rich. III. or of Hen. VII.

The earliest of the printed editions or collections is an *Alphabetical Abridgment of Statutes*, as well previous as subsequent to Edw. III. in Latin and French, the latest statute in which is 33 Hen. VI. A. D. 1455. This is supposed to have been published before 1481. Another very early edition, but supposed to be later than the preceding, and to have been printed about 1482, is a Collection of the Statutes, not abridged, from 1 Edw. III. to 22 Edw. IV. in Latin and French. This and the preceding article are attributed to the joint labours of the printers, Lettou and Machlinia. The statutes passed in the only parliament holden by Rich. III. were printed in French, by Caxton or Machlinia, or both, soon after they were passed, this being the first instance of a sessional publication. The like course was observed in the reigns of Hen. VII. and Hen. VIII.; from which time the statutes appear to have been regularly printed and published at the end of each session. The collection printed by Pynson, probably about the year 1497, 13 Hen. VII., but certainly before 1504, 19 Hen. VII., contains the statutes from 1 Edw. III. to 1 Rich. III. inclusive, in Latin and French respectively; and those from 1 to 12 Hen. VII. in English. The small edition of the *Antiqua Statuta*, first printed by Pynson in 1508, and afterwards frequently reprinted, contains Magna Charta, Charta de Foresta, the Statutes of Merton, Marlbridge, Westminster, 1 and 2, and other statutes previous to 1 Edw. III. in Latin and French respectively. These are the earliest printed copies now known of those statutes. The *Abridgment of the Statutes*, in English, to 11 Hen. VIII., trans-

lated and printed by John Rastall, is preceded by a Preface on the Propriety of the Laws being published in English. This appears to be the first English abridgment of the statutes: and it helps to ascertain the period when the statutes were first "endited and written" in English; as the preface ascribes that measure to Hen. VII. Subsequent English abridgments were published at various times by Rastall and other printers. Various editions of the *Alphabetical Abridgment of the Statutes*, abovementioned as published before 1481, were from time to time printed, enlarged by the abridgment of subsequent statutes. Of these, the Edition by Owen, including the Statutes of 7 Hen. VIII., was printed in 1521. An Appendix, containing the abridgment of the Acts of the next ensuing Session, 15 Hen. VIII., was printed in 1528, when a title was added. These collections form an exception to the general description of the Edition of the Statutes; for not only the statutes previous to and in the reign of Rich. III. are abridged in Latin or French, but the abridgment of the statutes of Hen. VII. and Hen. VIII. is in French, although they were originally passed and printed in English. In 1531 Berthelet printed an edition of the *Antiqua Statuta*, similar to the editions by Pynson, with some additions. In 1532 Berthelet also printed a collection of the statutes previous to 1 Edw. III. not included in the *Antiqua Statuta*. This collection he intituled *Secunda Pars Veterum Statutorum*, and it is always so distinguished. It was frequently reprinted. The statutes contained in it are in French and Latin respectively. Neither in the *Antiqua Statuta* by Pynson, nor in the *Secunda Pars Veterum Statutorum*, were the contents arranged with any chronological accuracy. In the *Antiqua Statuta* the Two Charters, and the Statutes of Merton, and Marlbridge, and Westminster 1 and 2, are placed first, and the other



matters follow in a very confused manner. No better order is preserved in the *Secunda Pars*. These two parts of the *Vetera Statuta* were frequently reprinted together. The edition of them by Tottell, in 1556, is the most known: this varies from Pynson's and Berthelet's, in some readings of the text of the statutes; and it is enlarged by the addition of "certain Statutes, with other needful things taken out of old Copies examined by the Rolls," printed at the end of the First Part. Editions by Tottell, in 1576 and 1587, and later editions by various printers, insert only a partial selection of ancient statutes, with further various readings, and add some modern statutes. On a comparison, made for the purpose of ascertaining the fact, there is reason to conclude that the copy used by Lord Coke in his *Second Institute*, was that of 1587.

The earliest printed translation, not abridged, of the Charters, and of several Statutes previous to 1 Edw. III. appears to have been made by Ferrers, a member of parliament, from the Editions of the *Vetera Statuta* and *Secunda Pars* before noticed. It was first printed in 1534, and contains the greatest part, but not all, of the matters included in those editions, but does not arrange them in chronological order. In 1540 and 1542, other editions of this translation were published, with some amendments and additions. In 1543, the Statutes in English, from the time of Hen. III. to 19 Hen. VII. inclusive, chronologically arranged, were printed by Berthelet in one volume folio. It has not been satisfactorily ascertained that any complete chronological Series of the statutes from Magna Charta to 1 Edw. III., either in their original language or in English, or that any translation of the Statutes from 1 Edw. III. to 1 Hen. VII. had been published previous to this edition by Berthelet; though some books refer to editions by Berthelet, as of 1529 and

1540. It appears probable that the translation in this edition by Berthelet was made from the small editions of the *Vetera Statuta* and *Secunda Pars*, and from Pynson's Edition of the *Nova Statuta*, 1 Edw. III. to 1 Rich. III. inclusive. This edition contains some translations, particularly of the *Dictum de Kenilworth*, not included in either of the editions of Ferrer's Translations: with respect to the others previous to 1 Edw. III. it agrees in general with the second edition of Ferrar's Translation: and Cay, in the preface to his edition of the Statutes, conjectures that the whole of the translation in this edition was made by Ferrars. No translation of the *Statuta Walliæ*, 12 Edw. I. is given either by Ferrers or in any subsequent edition. Several other statutes also have been always printed without translations. *The Great Boke of Statutes* commences with 1 Edw. III. and ends with 34 Hen. VIII. It is entirely in English. It appears to have been published at different times, in separate parts; and it seems not unlikely that the earliest part may have been published previous to the English edition printed by Berthelet in 1543, from which it differs in some particulars. Of such difference one instance is the insertion of cap. 7 of 2 Rich. II. stat. 1, respecting Pope Urban, which is omitted in Berthelet, 1543, and subsequent editions; from whence it seems probable that this part was published before the severe prohibitions by the acts of Hen. VIII. against acknowledging Papal power. William Rastall (or Rastell), who, in 1557 published his first edition of a collection of all the statutes which were before that year imprinted, was a serjeant at law; and was made a judge in 1558. In this collection the statutes are distributed under apt titles in alphabetical order, the preambles for the most part being omitted, and a brief mention only made of such statutes as were expired or repealed, or of a private or local nature. It gives all

the statutes to the end of Rich. III. in Latin or in French, as they were at first published ; (2) and all the subsequent statutes in English. The same collection, having the statutes prior to Hen. VII. translated into English, instead of being inserted in their original language, was printed about 1579, and reprinted very frequently afterwards, until 1621. In these successive editions, the new statutes were from time to time abridged, and inserted under their proper titles. The translation contained in this collection appears to have been executed with superior care and industry ; where it borrows from foregoing versions, it occasionally amends what was faulty : translations are inserted in it of some matters not before translated ; of others, translations entirely new and more faithful are given ; and the whole was sedulously revised from time to time ; the later editions, particularly those of 1591 and 1603, correcting errors which had escaped notice in the earlier editions. Rastall died in 1565, and it is not known by whom these English editions of the collection bearing his name were prepared or edited. The edition of the statutes in English, by Barker, in two volumes, folio, frequently bound up in one, ending with 29 Eliz., the title to which affords the earliest instance of the term "Statutes at Large," agrees in general, as to the Statutes previous to 1 Hen. VII. with the English edition by Berthelet in 1543.

After the edition of Rastall's Collection, in English, in 1579, it does not appear that any of the statutes from

(1) *Herbert's Ames*, 417 ; *Brady's History of England*, vol. i. p. 658.

(2) "I have put every Statute in the tonge that it was first written in. For those that were first written in Latin or in Frenche dare I not presume to translate into English for fear of misseinterpretacion. For many wordes and termes be there in divers Statutes, both in Latin and in Frenche, which be very hard to translate aptly into English."—*Epistle or Preface prefixed to W. Rastall's Collection* ; edit. 1557. In the edition of 1579, and the subsequent editions, this sentence is omitted from the Preface.

1 Edw. III. to 1 Hen. VII. were printed in Latin or French, until some of them were so printed in the edition by Hawkins in 1735. The English edition, 1618, which in the title page is said to contain all the acts at any time extant in print until 16 Jac. I., published by the King's printers, Norton and Bill, in two volumes, large folio, is usually called Rastall's Statutes; although the editor of the collections before noticed had been long deceased. The latest acts inserted in this edition are of 7 Jac. I. being the last session preceding the publication. The translation of the statutes previous to Hen. VII. does not follow the improved translation adopted in the editions of Rastall's collection in English; it agrees with the translations of Berthelet, 1543, and Barker, 1587; except that it is not so correctly printed. In the same year, 1618, a collection, in English, of sundry statutes frequent in use, ending with 7 Jac. I. was published by Pulton. Several statutes, not included in the edition called Rastall's, 1618, are for the first time translated in this edition, and are so noted to be in the preface; the most important of these are, *Ordinatio pro Statu Hibernie*, as of 17 Edw. I., but being in fact of 17 Edw. II.; *Ordinatio Forestarum*, 34 Edw. I.; *De Asportatis Religiosorum*, 35 Edw. I.; *De Terris Templariorum*, 17 Edw. II. Several subsequent editions of this collection were printed after the death of Pulton. Those of 1635 and 1640 are remarkable for giving the progressive Answers to the Petition of Right, 3 Car. I. and the King's Speech, on pronouncing the Assent, *Soit droit fait come il est désiré*, which are not contained in any other general collections, though they were printed by authority in the sessional publication of the statutes of that year. As this English edition by Pulton has been much copied by subsequent editors of the sta-

tutes, it deserves particular notice. (3) The original edition, published in 1618, contained many corrections of the then existing translation, by rendering it more conformable to the Records in the Tower; and further corrections were from time to time made in the subsequent editions; but several errors and inconsistencies were suffered to remain, in consequence of the translation following the old printed copies of the Latin and French text, which frequently differ from those Records. (4) Some of the corrections made in the various editions of the English collection called Rastall's were indeed adopted; but several matters translated in Rastall's English collection are not included in Pulton's, particularly several of the statutes of uncertain date, usually classed together after the reign of Edw. II. A change of phraseology also is occasionally made in Pulton, not always to the improvement of the translation. Titles are put at the heads of the several chapters, which are in fact intended as abridgments of their contents, and which were not given in former editions to the chapters of any statute previous to Edw. IV., though in the chronological table of statutes subjoined to Rastall's Collection titles of a similar kind occur from the beginning of the reign of Edw. III. Several parts or chapters of the statutes subsequent to 1 Edw. III. are omitted, and only noticed by the titles or abridgments.

(3) See further as to this edition by Pulton, and its defects as a General Collection, *post*, p. 147.

(4) See 4 *Inst.* 51, as to errors in the printed editions of the Statutes extant at that time, in consequence of their differing from the Records; and see the volume usually called *Cotton's Abridgement of the Records in the Tower*, but which in fact is an Abridgement of the Rolls of Parliament from 5 E. II. to 1 Ric. III., made by Bowyer, Keeper of the Records: in these, many variations between the Statute, as printed, and the Parliament Roll, are stated, but without adverting to the circumstance how far the printed Statutes agreed with the Statute Roll. See also *Prynne's Preface to Cotton's Abridgement*, fo. 3, 4.

From 1618 to 1735 the great body of the statutes continued to be published entirely in English; but the small collections of the statutes previous to 1 Edw. III. in French and Latin, were frequently reprinted till after 1618, and these were succeeded by the collection in Lord Coke's *Second Institute*. The editions bearing the name of Pulton were continued from time to time from 1618 to 1670; the last, by Manby, who had previously edited the statutes passed in the time of Car. I. and Car. II. During the Usurpation, partial collections of acts for different series of years were published, from 1646 to 1654; and an authentic collection by Scobell, the clerk of the parliament, from 1640 to 1656. After the Restoration, editions of the statutes Car. I. and Car. II. were published by the King's printers and others. In 1676, Keble's edition of the Statutes at Large, ending with 27 Car. II. was published by the King's printers, "carefully examined by the Rolls of Parliament." This edition is in many instances more correct, as to the statutes subsequent to Hen. VII. than the editions by Barker or Pulton, or that called Rastall's, 1618. It was from time to time reprinted, and continued by additional volumes. The translation of the statutes previous to Hen. VII. contained in all the editions called Keble's was copied from the latest edition of Pulton. The edition of the statutes by Serjeant Hawkins, published in 1735, in six volumes folio, ending with 7 Geo. II. contains the respective Latin and French texts of most of the statutes to 8 Edw. IV. with translations of such as had been before translated, and as appeared to him to be in force or use: of some of these statutes a translation only is given, without the original text. Of the statutes and parts of statutes considered by him as obsolete, or which are expired or repealed, the original text is given without a translation, and occasionally an abridgment without either the text or translation. From his preface

he seems not to have been aware that the early statutes had never been printed in Latin or French, in any collection except the Second Institute of Lord Coke; and he gives the text from the Statute Rolls in the Tower, from ancient manuscripts, or from the Second Institute; all in many instances varying from the earliest printed editions. An appendix is subjoined to the sixth volume, containing the text of some of the more ancient statutes, which are omitted, or of which translations only are given in the body of the work; "together with some ancient Records of Statutes omitted in the Statute Roll, but entered in other Parliamentary Records." Upon the subject of the translation, Hawkins thus expresses himself in his preface: "It was proposed to make a new translation of the French and Latin statutes, and it must be owned that there are some mistakes in the old translation; but it having, by its long use, obtained a kind of prescriptive authority, and seeming for the most part to have been done with greater learning and accuracy than can be expected from any modern hand, willing to undertake a work of such difficulty, and it being easy for the reader to correct the mistakes in it by the help of the original, it was judged most proper to retain it."

Cay's Edition of the Statutes, published in 1758, in six volumes folio, ending with 30 Geo. II., is very much upon the plan of Hawkins's Edition, with the following additions: In cases where the statutes are printed from the Statute Rolls in the Tower, the numbers of the respective membranes of the Rolls are quoted; and in other cases the several manuscript authorities from which they are printed are distinctly cited. The Latin and French text, respectively, of several statutes prior to Edw. III., and the French text of the statutes 23 Hen. VI., 12, 14, 17, and 22 Edw. IV., which had been omitted by Hawkins, are given from manuscripts. Several instru-

ments, not included in the previous editions by Hawkins, Pulton, and others, are inserted from the early printed copies; and some matters not contained in any former edition of the statutes are printed from the Parliament Rolls. The translation of the statutes previous to Hen. VII. is the same as Keble's and Pulton's. In his preface, Cay attributes the whole of that translation to George Ferrers, in the time of Hen. VIII., and speaks thus of it: "It is not a good one, and the mistakes in it are very numerous and considerable. It has often been desired that a new translation should be made; but as this has been used for some ages, not only by the public in general, but even by the Parliament, and many statutes are recited in subsequent acts in the words of this translation, it seems to be too much authenticated for an editor to presume to reject it." The editions by Hawkins and Cay were for some time continued by several volumes containing the statutes of subsequent years. In 1762 was printed the first volume of an edition of the Statutes at Large, which was completed in 1765, by Ruffhead, in nine volumes quarto, ending with the statutes of 4 Geo. III. In this edition is included all that was comprehended in Cay's. Several matters, however, which by Cay were inserted in the body of his work, were printed by Ruffhead in an appendix subjoined to the ninth volume; and in this appendix are also introduced some acts of Hen. VII. and of subsequent reigns, taken from former printed copies, and also from the Parliament Rolls, and the Inrolments of Acts in Chancery. This edition was reprinted in 1769, &c. and has been regularly continued from time to time by volumes containing the statutes of subsequent years. Pickering's Edition of the Statutes at Large, in twenty-three volumes octavo, ending with the statutes 1 Geo. III. was printed at Cambridge, and published at various times between 1762 and 1766. A twenty-fourth volume, con-



taining the preface and index, was published in 1769. This edition contains the same matters, and for the most part in the same order, as Cay's Edition; with the addition of the statutes afterwards passed, and also of some instruments and translations from former printed copies, and other sources, which, "though deemed antiquated," were added "on account of their public or constitutional importance." In an appendix subjoined to the twenty-third volume, some of the matters are inserted which are contained in Ruffhead's Appendix. This edition also has been regularly continued by subsequent volumes published from time to time.

It should be observed, that the matters for the first time introduced by Hawkins, Cay, Ruffhead, and Pickering, respectively, are few in number; and that some of them are clearly not entitled to the character of statutes.<sup>(5)</sup> It is evident, also, that Ruffhead and Pickering took, each, advantage of the circumstance of their editions being in the course of publication during the same period; and that, in the insertion of new matters, they by turns borrowed from each other. Neither Hawkins, Cay, Ruffhead, nor Pickering, take any notice of the French text of the statutes of Rich. III. which have been stated by some writers<sup>(6)</sup> to have been originally in English; whereas the editions of the *Nova Statuta* by Pynson, Rastall's Collection, and the Sessional Publication of the Statutes of Rich. III. prove that the statutes of that reign were originally published in French: although, in and after the reign of Hen. VI. many bills, in the form of acts, are entered on the Parliament Roll in English. The transla-

(5) See note on the Ordinance 46 Edw. III. relative to lawyers and sheriffs being returned to parliament, printed in *Authentic Collection of the Statutes*, vol. i. p. 294.

(6) See *Reeves's History of the English Law*, cap. 26, and *Christian's edition of Blackstone's Commentaries*, lib. i. cap. 2, in the notes.

tion now chiefly in use, which was first inserted in Pulton's Edition, 1618, and thence copied, with a few corrections, into subsequent editions, and afterwards into those of Keble, Hawkins, Cay, Ruffhead, and Pickering, successively, does not answer wholly, either to the text as given from the Records or Manuscripts, or to the text of any of the old printed editions, the translation having been in part altered by Pulton and other editors to suit it to the text, as taken from the Record, and being in part suffered by them to remain as in the earliest editions, without making the alterations necessary to remedy errors, which were equally repugnant to the old printed copies and to the Record. Throughout the whole translation, also, sentences are frequently inserted or omitted, contrary to the authority of the Latin or French text, as given from the Record or Manuscript, in the opposite column of the book; and the translation, thus varying from the text of the Record or Manuscript, is sometimes consistent with, and sometimes contrary to, the old printed copies, which are not at all noticed. Many palpable errors and omissions have been allowed to remain, without notice, in all the translations. Corrections, comparatively very few in number, were silently made in the progress of the editions called Pulton's and Keble's. Those made from time to time in Rastall's English Collection were numerous and important, but they have not been fully adopted in any editions of the Statutes at Large. The suggestions of corrections by notes in the margin of Cay's Edition are very rare, comparatively with the numerous errors actually existing; but the number of these suggestions was somewhat increased in the edition by Ruffhead, though not to any considerable extent. The like observations apply to Pickering's Edition, respecting which, however, it is material to notice, that of many of the obsolete, expired, or repealed sta-

tutes, or parts of statutes, a translation only is given by Pickering, from the edition by Pulton, and that called Rastall's, 1618, with some amendments, while the Latin or French text, or an abridgment in English, is given in the editions by Hawkins, Cay, and Ruffhead.

Upon the whole it is ascertained, that no complete collection has ever been printed containing all the matters which at different times, and by different editors, have been published as statutes. The earliest editions of entire statutes were printed at the latter end of the fifteenth century, and began with the statutes of Edw. III. in their original language. The statutes of Hen. III. Edw. I. and Edw. II. were not printed entire until the beginning of the sixteenth century, and then in small collections by themselves in their original language; and none of these printed copies quote any Record or Manuscript as an authority for the text which they exhibit. Later editions of the statutes, which combine the period previous to Edw. III. with that of Edw. III. and subsequent kings, omit the original text of the statutes previous to Hen. VII.; giving translations only of those statutes and the subsequent statutes in English: and the most modern editions, which, in some instances, insert the original text of the statutes previous to Rich. III. from the Statute Roll and ancient manuscripts, omit the translation of many parts of them, and in other instances give a translation without the text, and also omit many acts in the period subsequent to Hen. VII. Further, it is to be observed, that the several printed editions differ materially from each other in the text of the statutes previous to Hen. VIII. The copy of the Statute of Gloucester, 6 Edw. I. in the edition printed by Tottell in 1556 and 1587, and by Lord Coke in his Second Institute, varies most materially not only from that in the earlier printed editions by Pynson in 1508 and 1514, and

by Berthelet in 1531, but also from that in the edition by Marshe, in 1556, the same year in which the first edition by Tottell was printed. The copy of this statute printed by Hawkins from the Statute Roll in the Tower varies as well from those printed by Tottell and Lord Coke, as from those by Pynson, Berthelet, and Marshe. This instance is mentioned, as the Statute of Gloucester is the earliest now existing on any Statute Roll.<sup>(7)</sup> Many other instances occur, even in cases where the necessity of correctness was most peculiarly requisite: such are the ancient statutes relating to the assize of bread, the composition of weights and measures, and the measuring of land. In all these the calculations in the several printed copies vary from each other, and are all incorrect, some in one particular, some in another. It may be noted, moreover, that many verbal variations occur between the several editions which appear essentially to agree with each other. Thus the copies in Tottell, 1556, 1587, and the Second Institute, though generally accordant, are not precisely so; and the same observation applies to the editions by Pynson, Berthelet, and Marshe. These verbal variations may be said to be innumerable, and though for the most part minute, they are occasionally important. After the commencement of the reign of Edw. III. a greater degree of correctness and uniformity prevail; but so late as the reign of Hen. VII. some instances of material variation continue to be met with. The acts of Rich. III. were printed in French, first by Caxton, and afterwards in Pynson's Edition of the Statutes from the commencement of the reign of Edw. III. In the editions by Berthelet, Barker, and others, these acts of Rich. III. were printed in English, agreeing in

(7) There is reason to believe, from the appearance of the great roll of Statutes in the Tower, that the membranes which contained the Statutes preceding the Statute of Gloucester, have been detached from those which now exist.

substance with the French text; but in the editions by Pulton and subsequent editors, there are essential variances in the translation, not only from the sense of the French text, but also from the former English editions; and even of the statutes of Hen. VII., though always printed in English, the copies in the editions by Pulton and subsequent editors differ in several instances from those in the earlier printed collections.

It is moreover ascertained, that no one complete printed translation of all the statutes previous to Hen. VII. exists. Some, which are omitted, from Berthelet, 1543, and the other early editions, including that called Rastall's, 1618, are inserted in Pulton, 1618, and in editions since published. On the contrary, several parts of the statutes, from 1 Edw. III. to 1 Hen. VII., translations of which are inserted in Berthelet, Rastall, and other editions, are omitted, and merely abridgments thereof given, in Pulton and subsequent editions. All the statutes, therefore, which have been hitherto translated, can be found only by uniting Pulton, 1618, and Rastall, 1618, together with Rastall's English Collection, and the English editions by Berthelet, Middleton, and Barker. Many errors and inconsistencies occur in all the translations, resulting either from misinterpretation, or from improper omissions or insertions; and there are many ancient statutes of which no translation has ever yet been printed.

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## II.—PLANS HERETOFORE PROPOSED FOR AN AUTHENTIC PUBLICATION, OR FOR THE REVISION OF THE STATUTES.

No *Complete and Authentic Edition of the Statutes* has hitherto been undertaken by Authority; nor has the de-

sign itself ever been suggested, simply, and without connection with other schemes of reformation or improvement.

A general revision of the Statute Law has been often recommended from the Throne, and has been petitioned for by both Houses of Parliament; it has engaged the labours of successive Committees, and has been undertaken by individuals sometimes with, and sometimes without, the sanction of Royal or Parliamentary authority; but has never yet been carried forward to any degree of maturity.

In Queen Elizabeth's reign, A. D. 1557, Sir N. Bacon, Lord Keeper, drew up a short Plan for reducing, ordering, and printing the Statutes of the realm. The following are the heads of this plan(1): "First, where many Lawes be made for one thing, the same are to be reduced and established into one Lawe, and the former to be abrogated.—Item, where there is but one Lawe for one thing, that these Lawes are to remain in case as they be.—Item, that all the Actes be digested into Titles, and printed according to the Abridgment of the Statutes.—Item, where part of one Acte standeth in force and another part abrogated, there should be no more printed but that that standeth in force.—The doing of these things maie be committed to the persons hereunder written, if it shall so please her Majestie and her Counsell, and daye wolde be given to the Committees until the first daie of Michaelmas Terme next coming for the doing of this, and then they are to declare their doings, to be considered of by such persons as it shall please her Majestie to appoint." Then follow lists of twenty Committees of four each, in which the Judges, Serjeants, Attorney and Solicitor General, &c. are named: One Judge, &c. and three Counsel forming a Committee, to each of which it was proposed that a title or division of the Statute Law should be referred. The subject was

(1) MS. Harl. No. 249.

afterwards taken into consideration, so far as related to the Penal Laws, at subsequent periods in the reign of the same Queen, viz. Anno 27, A.D. 1585. (2)—Anno 35, A.D. 1593. (3)—Anno 39 and 40, A.D. 1597. (4)—Anno 43, A.D. 1601. (5)—In the proceedings in 1593 and 1597 Sir Francis Bacon took part, and upon them he appears to have founded his sketch or plan of a general revisal of the Statute Law. (6)

King James the First, upon his accession to the throne of England, 1603-4, and in subsequent periods of his reign, recommended also to parliament a reform of all the Statute Law, and of the Penal Laws in particular. (7) In the year 1610 a digest and repeal of the Penal Laws was expressly stipulated for by the House of Commons, and acceded to by the House of Lords, in their joint transaction of the great contract with the crown; (8) and in the same reign Sir Francis Bacon, Lord C. J. Hobart, Serjeant Finch, Mr. Noy, and others, by the King's command, made considerable progress in the general work of reforming and recompiling the Statute Law, which Lord Bacon describes (9) as "An excellent Undertaking, of honour to His Majesty's times, and of good to all times;" and recommends, in imitation of the Statutes of 27 Hen. VIII. c. 15, and 3 and 4 Edw. VI. c. 11, for appointing Commissioners to examine and establish Ecclesiastical Laws, that commissioners be named by both Houses for this purpose also, with power not to conclude, but only to prepare and

(2) *Dewes's Journ.* 345.

(3) *Dewes's Journ.* 469. 473.

(4) *Dewes's Journ.* 553.

(5) *Dewes's Journ.* 622.

(6) See the following articles in *Bacon's Works*, viz. Epistle Dedicatory to Queen Elizabeth, prefixed to *Elements of the Law*;—Proposal for amending the Laws of England, to King James;—Offer to the King of a Digest: 4to edit. vol. ii. p. 326. 546, 547, &c.

(7) See *Lords' Journals*, i. 144, ii. 661, iii. 81, and *Preface to Coke's Fourth Report*.

(8) *Lords' Journ.* ii. 661.

(9) *Works*, vol. ii. 4to. 547.

propound the matter to Parliament. In the British Museum is preserved a manuscript volume,(10) containing the plan of an elaborate Report, particularising the several Statutes, from the Statute of Westminster the First, 3 Edw. I. to 7 Jac. I. 1609, then actually repealed or expired, and also the Statutes thought fit either to be absolutely repealed, or to be repealed and new Laws to be made in their place. Possibly this may be the very work spoken of by Sir Francis Bacon.(11) It is drawn up as by authority, with detailed reasons for every proposed measure; but it is not signed by, or addressed to, any one. A Table is subjoined to it, exhibiting the result of the Report. Among the papers of Mr. Petyt, in the Inner Temple Library,(12) is a Letter of Lord Bacon's, dated 27th February, 1608, which shows that he had the advantage of using, for his proposed plan, a Manuscript Collection of the Statutes, made with great labour by Mr. Michael Heneage, Keeper of the Tower Records, in five large volumes, which it is feared has been lost. Lord Bacon's disgrace, at the latter period of the reign of King James the First, and the distractions of the government in what related to Parliament, were probably the causes of the failure of these measures, and of the silence that ensues respecting them in parliamentary history.

During the usurpation the same undertaking was resumed with ardour. In 1650 a committee was named, one of the members whereof was Bulstrode Whitelock, then First Lord Commissioner for the Custody of the Great Seal: the purpose was "to revise all former Statutes and Ordinances now in force, and consider as well which are fit to be continued, altered, or repealed, as how the same may be reduced into a compendious way and exact method, for the more ease and clearer understanding of the

(10) MS. Harl. No. 244.

(11) *Works*, vol. ii. p. 546.

(12) *Miscell.* xvii. p. 279.



people." And the committee were empowered "to advise with the judges, and to send for and to employ and call to their assistance therein any other persons whom they should think fit, for the better effecting thereof, and to prepare the same for the further consideration of the House, and to make report thereof." (13) But no such report has been preserved. In 1651-2, Matthew Hale, Esquire, afterwards Lord Chief Justice Hale, Sir Anthony Ashley Cooper, afterwards Lord Shaftesbury, and Rushworth, the author of the Historical Collections, with other persons out of the House, were appointed to report to the committee their opinions upon the inconveniences of the Law; and a revised System of the Law was reported to the House in the course of the same year. (14) The same labour was afterwards transferred to other hands, but the work was not abandoned; and in 1653 a committee was appointed to consider of a new model or body of the law. (15) But of this committee no proceedings are now discoverable.

After the restoration, Finch, Solicitor-General, afterwards Earl of Nottingham and Lord Chancellor, Serjeant Maynard, Sir Robert Atkins, Mr. Prynne, and others, were appointed, in 1666, to be a committee "to confer with such of the Lords, the Judges, and other Persons of the Long Robe, who have already taken pains and made progress in perusing the Statute Laws; and to consider of repealing such former Statute Laws as they shall find necessary to be repealed; and of expedients for reducing all Statute Laws of one nature under such a method and head as may conduce to the more ready understanding and better execution of such Laws." (16) This, however, was as ineffectual as any of the former measures; and it is the last recorded instance of the interference of Parliament on

(13) *Commons' Journ.*, vi. 427.

(15) *Ibid.* vii. 304.

(14) *Ibid.* vii. 58. 74. 249, 250.

(16) *Ibid.* viii. 631.

the subject, previous to those proceedings which gave rise to the commissions under the authority whereof the work now under consideration was executed.

✓ The earliest instance of the exertions of any individual, without the sanction of parliamentary authority, towards making a Collection of Statutes from authentic sources, appears to have been afforded by Pulton.—He was a learned barrister, of great age and experience, and was employed for several years in the consideration of the Statute Law. He published two useful books upon that subject: first, an *Abridgement of the Penal Statutes*; and afterwards a *Calendar or Abstract of all the Statutes in use*, chronologically arranged; together with an alphabetical Abridgement of them, in the manner of Rastall's Collection. He appears to have been encouraged and assisted in his first work by Sir William Cordell, then Master of the Rolls, to whom it is dedicated; various editions of this were published from 1560 to 1577. His Calendar, first published about 1606, is distinguished by the following expression in the title-page; viz. *Editum per mandatum Domini Regis*. But nothing else, either in the book or elsewhere, has been found to confer any marks of royal authority upon the contents of the book. After the publication of these works, without any public patronage or recommendation beyond a permission to use the Records, he conceived the plan of copying from their original Records, and printing for general use, all the Statutes supposed to be in force. The papers containing Mr. Pulton's original scheme, are preserved among Sir Robert Cotton's Manuscripts in the British Museum.(17) In one of these papers the design is set forth: it is indorsed, in a hand frequent among the Cottonian Manuscripts, "Concerning Mr. Pulton's Suite;" and has no other title,

(17) MS. Cott. Titus, B. V. p. 269.

mark, or description at the beginning or end ; though by another article referring to it, there is proof of its date being in or previous to 1611. “ Mr. Poulton seeketh to print the Statutes at Large. He promiseth to set down which Statutes or parts of Statutes are repealed, and which, being at the first but temporary, are since expired and void, because not revived. This he hath already done in his late Abridgement, for which he had a recompence of the printer. Now, to make this new book at large saleable, he promiseth to print the Statutes first in the language the same were first written ; and such as were originally in French or Latin, he will translate and print likewise in English. Where the Statute has no title, he will devise a title out of the body, and print it with the Statute. He will set down which Statutes are warranted by the Record, and which not. He will correct the printed book by the Record. For which purpose he requireth free access at all times to the Records in the Tower. Being very aged, viz. almost fourscore, he desireth that for his ease and better enabling in his work, the Keeper of the Records within the Tower of London may every day deliver unto him, when he shall so require, one Parliament Roll, to be by him and his clerk perused and viewed, in a lodging which he hath taken near unto the said office ; the same afterwards to be redelivered by them to the said keeper thereof. That the clerk do help, further, and assist him in this service by all the means he can.” Several Objections to the Prosecution of this plan were made by Bowyer and Elsyng, Keepers of the Tower Records ; among others, that they and their Predecessors had actually prepared materials for the Work in question, and that they then had ready written Five Volumes of Statutes copied from the Records. These were perhaps the Volumes alluded to in Lord Bacon's Letter before

mentioned.(18) The Dispute between the parties was continued for some time: but there remains among the Cottonian Manuscripts(19) a draught of an award for its determination by Sir Robert Cotton himself, to whom they referred their differences; and from a Paper in the British Museum, among the Manuscripts of Mr. Madox,(20) it appears, that an Order of Council passed on the 24th of October, 1611, granting license to Pulton to have the use of the Records in the manner asked. It recites, that he undertook the work by persuasion of the Judges and others learned in the Laws, and requires the keepers of the Records, on account of the importance of the work, and for the benefit of the learned, to assist and further him all they can.

✓ Pulton lived to publish this proposed edition in 1618; which is the Work already spoken of as Pulton's English Statutes. In his preface, after noticing the redundancies of former editions, containing Subsidy Acts and other Acts "expired, repealed, altered, and worn out of use," and his intention to publish such only "which be now in life, force, and general use," he gives the following statement of the means he had employed in compiling his collection. "First, with as great means, care, and industry, as possibly I could use, so many of the old Statutes heretofore printed in the English tongue, made and published in the reigns of the first Ten Kings (accounting from 9 of Hen. III. unto 1 of Rich. III. inclusive), as be chiefly in use and practice, and which are the foundation of proceedings both legal and judicial, have been by me truly and sincerely examined by the original Records thereof remaining in the Tower of London; and the residue with the Register of Writs, being the most ancient Book of the

(18) See page 142, note 12.

(19) Vesp. F. IX. p. 279.

(20) Miscell. Vol. XCIV. No. 4572. Plut. 19 C. p. 82.

Law, the old and new *Natura Brevium*, the Books of Entries, the Books of Years, and Terms of the Law; the best approved, printed, and written Books; and by all such other circumstances as might best give probability of truth unto the learned. By reason whereof, the foresaid defects, imperfections, and emblemishments being reformed in this edition, as it is a collection of the most usual Laws, gathered from out the grand *Codex* of all the Statutes, so it may serve as a correction to the former impressions."

The defects of Pulton's publication, as a general Collection of Statutes, are chiefly these: 1st, As to the Statutes preceding Henry VII., it is a translation in English, and does not exhibit the text in the original language of the Records, as might have been expected from his proposal: 2dly, Though it had the permission, it had not the authority of the King, by whom all Acts of Legislation are to be communicated to the subject; and was only the private work of an individual for his own benefit: 3dly, It is a partial selection of such Statutes as in the judgment of the author were fittest to appear in his book; their authority and use, whether in force or repealed, depending on his opinion; 4thly, It is not, nor does it purport to be, a correct and examined copy from the original Records, of all those Acts which are given at large; but of such only as the author thought necessary so to examine and correct: and it is left uncertain, which, and how many of them, were taken from printed or written books. It has, therefore, though in a less degree, the same faults as all the collections and editions of Statutes printed before; and it was particularly unfortunate that the author did not execute that part of his proposals which made their greatest merit, namely, the giving an accurate copy of the original text of the ancient Statutes from the Record.

These objections are no less applicable to the editions

by Hawkins and Cay, as falling short of the character of a complete and authentic Collection of the Statutes. They professed indeed to have copied their text from original Records, or other Manuscripts, in Latin and French; but by printing some Statutes and parts of Statutes, with the translation, and some without it, and giving only a translation of others, they have rendered their editions liable to still further objections, for which no subsequent editor has hitherto attempted to offer a remedy.

From the preceding statement, the necessity and use of an authentic publication of the Statutes of the Realm will appear: for, although the defects of all former collections had been long complained of by learned and eminent men, and although various propositions had been offered at different times, for an authentic publication of the Statutes, none such had been executed. At length, however, the Select Committee, appointed by the House of Commons of Great Britain in the year 1800, to inquire into the state of the public Records of the kingdom, having reported upon this branch of the matters referred to their consideration, that in their opinion it was "highly expedient for the honour of the nation, and the benefit of all his Majesty's subjects, that a complete and authoritative edition of all the Statutes should be published;" in pursuance of their recommendation the *Authentic Collection of the Statutes* was undertaken and executed, under the authority and direction of commissioners specially appointed by the Crown to carry into effect the several measures which were by that Committee recommended to the attention of Parliament.

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### III. OF THE CHARTERS PREFIXED TO THE AUTHENTIC COLLECTION OF THE STATUTES.

A series of the Charters of the Liberties of England is prefixed to this Collection of the Statutes: namely, Charters of Liberties; 1 Hen. I. A.D. 1101: 1 Stephen, A.D. 1136: of Stephen and Hen. II. without date: Charter for free Elections in Churches; 16 John, A.D. 1214: Articles or Heads of *Magna Carta*; 17 John, A.D. 1215: *Magna Carta*; 17 John, A.D. 1215: 1 Hen. III. A.D. 1216; A.D. 1217:(1) 9 Hen. III. A.D. 1224-5; 36 Hen. III. A.D. 1251-2: *Carta de Foresta*; 2 Hen. III. A.D. 1217: 9 Hen. III. A.D. 1224-5: and Charters confirming *Magna Carta* and *Carta de Foresta*; 21 Hen. III. A.D. 1236-7: 49 Hen. III. A.D. 1264-5: 25 Edw. I. A.D. 1297: 28 Edw. I. A.D. 1300: 29 Edw. I. A.D. 1300-1.(2) *Magna Carta* and *Carta de Foresta*, granted in the 9th year of King Henry the Third, have, in every Collection of Statutes which contained the Statutes previous to 1 Edw. III. been printed as the first in order. In all editions previous to Hawkins's, they were printed as from Charters of *Inspeximus* of 28 Edw. I.: by Hawkins and subsequent editors they were printed from the Charter of *Inspeximus* entered on the Statute Roll of 25 Edw. I.: but in no edition hitherto have they been printed immediately from any Charter of 9 Hen. III.; and it is not known that any Statute Roll of that date ever existed. In the present collection, these Charters are inserted according

(1) It is not ascertained whether this Charter was granted in the first or second year of the reign of Hen. III. See *Blackstone's Charters*, Introd. 4to. p. xxxviii—xl: 8vo. p. lix—lxiii. A Manuscript, No. 70, in Benet College Library, Cambridge, attributes this Charter positively to the first year.

(2) See more fully the Table prefixed to the Charters, specifying the Original or Entry from which each Charter is respectively printed, and the place where such Original or Entry is preserved, *Authentic Collection of the Statutes*, vol. i. p. xciii.

to their place in the above series, and are printed from Charters under the Great Seal: they are also printed again amongst the Statutes 25 Edw. I. from the entry on the Statute Roll of that year, being the earliest Parliamentary Record upon which they have been found.

For the purpose of examining all the Charters, and authentic copies and entries thereof, and also of searching for ancient copies and entries of Statutes and Instruments not now to be found on the Statute Roll, two sub-commissioners were employed during the summer of 1806, in making a progress through England and Ireland to every place where it appeared from the Returns to the Record Committee of 1800, or from other intelligence, that any such Charters, copies, or entries were preserved: and searches were made successively at every Cathedral in England which was known to possess any such Charters, copies, or entries; and also at the Universities of Oxford and Cambridge; at Trinity College, Dublin; at the Courts of Exchequer, and other Public Offices in Dublin; and wherever else information could be obtained on the subject. The result, so far as relates to the Charters, may be thus briefly stated. In Rochester Cathedral is preserved the *Textus Roffensis*: this is a Chartulary, or Collection of Charters and Instruments, compiled by Ernulf, who was Bishop of Rochester from A.D. 1115 to A.D. 1125. In this Chartulary is an entry of the Charter of Liberties, granted in the first year of King Henry I. A.D. 1101.(3) In Exeter Cathedral is preserved an original Charter granted in the first year of King Stephen, A.D. 1136, *De Libertatibus Ecclesie Anglie & Regni*. In Canterbury Cathedral are several chartularies or registers, of very ancient date. In these are entered the

(3) Of this Charter two ancient copies are entered in the Red Book of the Exchequer at Westminster; a copy in MS. Cott. Claud. D. II. is comparatively modern, and very incorrect.



Charter of King Stephen, of which an original is in Exeter Cathedral, and the Charter of King John, granted in the sixteenth year of his reign, for free elections of prelates, &c. in churches and monasteries. In Lincoln Cathedral, an original of the Great Charter of Liberties, granted by King John in the seventeenth year of his reign, is preserved in a perfect state. This charter appears to be of superior authority to either of the two charters of the same date, preserved in the British Museum. From the contemporary indorsements of the word *Lincolnia* on two folds of the charter, this may be presumed to be the charter transmitted by the hands of Hugh, the then Bishop of Lincoln, who is one of the bishops named in the introductory clause; and it is observable that several words and sentences are inserted in the body of this charter, which, in both the charters preserved in the British Museum, are added, by way of notes for amendment, at the bottom of the instrument. In Durham Cathedral, several charters of the liberties of England are preserved with great care; namely, *Magna Carta*, 12 Nov. 1 Hen. III.; *Carta de Foresta*, 2 Hen. III.; *Magna Carta & Carta de Foresta*, 9 Hen. III. The *Carta de Foresta*, 2 Hen. III. is the earliest Charter of the Forest; the original and all authentic Records of which were supposed by Blackstone to be lost.(4) It is remarkable, that in this original is inserted a clause which occurs in an entry of this charter on a roll, formerly belonging to the Abbey of Hales Owen, in Shropshire, communicated to Blackstone by Lord Lyttelton;(5) and which is not inserted in the *Carta de Foresta*, 9 Hen. III. A charter of the date of 12 Nov. 1 Hen. III.

(4) See *Blackstone's Charters*, Introd. 4to. edit. p. xlii: 8vo. edit. p. lxxv.

(5) "De boscis autem aliorum nullum detur chiminagium foristariis nostris preterquam de dominicis boscis nostris." See *Blackstone's Charters*, 4to. p. xlviij. note w; p. li. note z: 8vo. p. lxxiv. and lxxvij.

was transmitted to Ireland; and entry thereof is preserved in the Red Book of the Exchequer at Dublin. In several other cathedrals are chartularies, registers, or collections, of ancient date, containing entries of the Great Charters and Charters of the Forest. The most valuable of these are at York, Gloucester, and Christ Church, Dublin. The *Magna Carta* of 9 Hen. III. under seal, from which Blackstone printed a copy in his edition of The Charters, and which he suggests was the charter designed for the use of the knights or military tenants of Wiltshire, is still preserved by the family of the Talbots, of Lacock Abbey, in that county. In the Bodleian Library at Oxford are *Magna Carta*, A.D. 1217; and the Charters of Confirmation, 21 Hen. III. and 29 Edw. I. In the British Museum is the original of the *Articuli Magne Carte* under the seal of King John, from which Blackstone printed the copy in his edition of the Charters. Two of the Great Charters of King John, one of 36 Hen. III. and the Charter of Confirmation granted by King Edward I. at Ghent, in the 25th year of his reign, are also preserved in the same repository. On the Statute Roll of 25 Edw. I. are entered Charters of *Inspeximus* of that date, reciting and confirming *Magna Carta* and *Carta de Foresta* of 9 Hen. III. Entries of similar charters, dated 28 Edw. I., are made on the Charter Rolls of that year; the only difference between these several Charters of *Inspeximus*, is, that those of the 25th year are tested by the king's son, and those of the 28th by the king himself. Original Charters of *Inspeximus* of these respective dates, agreeing with the entries on the Statute and Charter Rolls, are still in existence. Of these charters, one of 25 Edw. I., confirming *Magna Carta*, is in the Town Clerk's office, London. Others, of 28 Edw. I., confirming *Magna Carta*, are in the same repository, as also in Durham Cathedral, Westminster Collegiate Church,

Oriel College, Oxford, and in the Town Clerk's Office at Appleby in Westmoreland. Others of the same date, confirming *Carta de Foresta*, are in Durham Cathedral, and Oriel College, Oxford.

From these materials, and others previously obtained, transcripts and collations were made and examined by the Sub-Commissioners. The text of the several charters inserted in the present collection is printed from these transcripts; a collation of the printed text with the transcript was made by one of the Sub-Commissioners, who himself assisted in making the transcript, and in examining it with the original; and where an engraved copy has been made of any charter, the printed text was collated with such engraved copy. This collection of charters will be found to differ from Blackstone's Edition of the charters, and other printed copies, in the following particulars: first, In exhibiting a complete Series of the Charters of Liberties, granted by the Kings of England; in which their original and progress may be traced until their final and complete establishment in the twenty-ninth year of King Edward I. Secondly, In affording in every instance a transcript from original charters or entries thereof; in characters representing the manuscript with its contractions or abbreviations,(6) so far as the same could be accomplished by printing types: engraved fac-similes are also subjoined, which were made from several of the charters; namely, the Charter of Liberties granted by Stephen, in Exeter Cathedral; the *Articuli Magne Carte* of John, in the British Museum; the *Magna Carta* of John, in Lincoln Cathedral; the *Carta de Foresta*, 2 Hen. III. and the *Magna Carta*, 9 Hen. III., in Durham Cathedral; the entry of the Charter of Confirmation, 21 Hen. III. on the

(6) An explanation of the contractions is given in a table in Appendix D. subjoined to the Introduction to *Authentic Collection of the Statutes*, vol. i. p. lxiii.

Charter Roll of that year in the Tower of London; and the Charter of *Inspeximus*, 25 Edw. I. in the Town Clerk's Office, London. Thirdly, In inserting the stops or points, which Blackstone omitted, but which are justified by the originals, and which are material to the sense; and in avoiding many errors which had crept into all prior editions, even that of Blackstone himself, in consequence of the transcripts and examinations being entrusted, at different places to different persons, not all equally competent to the task, and from the collation of unauthenticated manuscript copies, supposed to be of a date much more ancient than in truth they are.(7) Fourthly, In inserting charters not before printed, *viz.*

1. The Charter of the sixteenth year of King John, for the free election of prelates, &c. which is particularly adverted to in the *Magna Carta* granted by that king:
2. The First Charter of the Forest, granted in the second Year of Henry III. now preserved in Durham Cathedral; the existence of which escaped the researches of Blackstone:
3. The Confirmation Charter of 36 Hen. III. which accounts for some alterations in the Charters of *Inspeximus* and Confirmation of *Magna Carta*, granted by Edward I.:
4. The Charter of *Inspeximus* and confirmation of *Magna Carta*, 25 Edw. I. from the original preserved in the Town Clerk's Office, London, being of the same date as that entered on the Statute Roll: the authenticity of this last-mentioned Charter is evinced peculiarly by the Writ which is annexed to it; and no other such Original Charter of this date is now known to exist:
5. The Charter of *Inspeximus* and Confirmation of *Magna Carta*, 28

(7) The entry of *Magna Carta*, A.D. 1217, in the *Liber Custumarum*, in the Town Clerk's Office, London, is said by Blackstone to be written by a contemporary hand. See *Blackstone's Charters*, Introd. 4to. edit. p. xxxviii: 8vo. p. lix. But the book affords internal evidence that this entry was certainly not made before 14 Ed. II. A.D. 1320.

Edw. I.: and, 6. The Charter of *Inspeimus* and Confirmation of *Carta de Foresta*, 28 Edw. I.; both from the Charter Roll of that year in the Tower of London. From the Charters of *Inspeimus*, 25 and 28 Edw. I. as entered on the Statute and Charter Rolls, Blackstone gave only various readings as notes to the Charters of 9 Hen. III.; but did not print the Charters themselves at length.

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#### IV. OF THE MATTERS INSERTED IN THE AUTHENTIC COLLECTION OF STATUTES; AND THEIR ARRANGEMENT.

1. ALL INSTRUMENTS whatever, comprehended in any of the several collections of Statutes printed previous to the edition by Hawkins, are inserted in this work; these having for a long series of years been referred to, and accepted as Statutes in Courts of Law: together with these are inserted all matters of a public nature, purporting to be Statutes, first printed by Hawkins or any subsequent editor; and also new matters of the like nature, contained in any Statute Rolls, Inrolments of Acts, Exemplifications, Transcripts by Writ, and Original Acts, although not heretofore printed in any general Collection of Statutes. All these are placed in the *Body* of the work as *Text*. But it is to be particularly observed, that any decision upon the degree of authority to which any new instrument may be entitled, as being a Statute or not, is entirely disclaimed. At the foot of the text in each page, there are added such *Various Readings* as appeared necessary to correct its errors, or to supply its deficiencies;(1)

(1) Many instances of errors and deficiencies exist even in the Statute Roll; it may be sufficient to quote the clause in chapter v. of the *Statute Westminster the Second*, respecting damages in Writs of *Darrein Presentment* and *Quare Impedit*. In this clause, the words which give the patron damages to the amount of two years value of the Church, in case of lapse to the Bishop, by reason of

or to reconcile any material contradiction or repugnancy between the text and the translation; or between different copies of the text, where they were of equal or of nearly equal authority. In the earlier reigns, or in the absence of any authentic source for the text, such Various Readings are noted with much greater freedom than in later times, or where authentic sources exist. Writs and other Instruments, having direct or material reference to the several Statutes, are occasionally subjoined by way of *Notes*. These Various Readings and Instruments are taken from the following sources: Inrolments of Acts; Exemplifications; Transcripts by Writ; Original Acts; Rolls of Parliament; Close, Patent, Fine, and Charter Rolls; Books containing Entries of Record; Ancient Books and Manuscripts not of Record, but preserved in the Repositories of Courts of Justice, and Corporation Offices; or in the Libraries of Cathedrals, Universities, Colleges or Inns of Court, and at the British Museum. Various Readings have been also admitted from the printed editions; occasionally in confirmation of the Manuscript sources, and more frequently in cases where those sources have been found deficient. Every thing heretofore printed in any former Collection of Statutes, is in this volume printed in an uniform type; and all new matters, whether Various Readings, notes, or entire Statutes or Instruments, are distinguished by a smaller type. The entire matters, whether old or new, of which the dates are ascertained, are placed in Chronological order; and all, during the reigns of Hen. III. Edw. I. and Edw. II., the dates of which are uncertain, are classed together, after the manner of former editions, at the end of the reign of Edward II.

the disturbance of the presentation, are omitted on the Roll. In chapter xxviii. of the same Statute, the Statute of *Gloucester* is quoted instead of the Statute of *Westminster the First*. See p. 77, note 6—8, and p. 85, note 5, of *Authentic Collection of the Statutes*, vol. i.

A complete enumeration of all matters included in this Collection, whether as text or in the notes, is exhibited in a general *Chronological Table of Contents* prefixed to the body of the Statutes; specifying the source or authority from whence the Text, Notes, and Various Readings, are respectively taken.

2. OTHER MATTERS of a Parliamentary form and character have been recognized at different periods of our history, as appearing to have legislative authority. It has been observed by Lord Coke, that "Acts of Parliament are many times in form of Charters or Letters Patent;" (2) and many such have been inserted in all editions of the Statutes: and that there are "many Acts of Parliament that be in the Rolls of Parliament and never yet printed:" (3) In the Report also of the Select Committee of the House of Commons, in the year 1800, upon the subject of the public Records, it is stated, that many Statutes and Ordinances in the Rolls of Parliament are not inserted in the printed Statute Books; and it is certain that many acts and matters not found on any Statute Roll, nor contained in any printed editions of the Statutes, are found

(2) 2 *Inst.* 525; and see also the Prince's Case, 8 *Rep.* 13, throughout. The creation by Edward III. of his eldest son to be Duke of Cornwall, was by the King's Letters Patent, dated at Westminster, 17th March, in the 11th year of his reign, and therein recited to be "de cōi assensu & consilio Prelator', Comitū, Baronū, & alior' de consilio n'ro in p'senti p'liamento n'ro apud Westm' die Lune p'x' post festū Sc'i Mathie Apl'i p'x' p'terito convocato, existenciū." The Parliament Roll of that year is not now known to exist; but the Letters Patent are inrolled on the Charter Roll of that year, m. 28, nu. 60: other Letters Patent, relating to the Duchy and its Rights, dated at Westminster, 18th March, in the same year, are entered on the same Charter Roll, m. 26, nu. 53; and others, dated at the Tower of London, 3 January, in the same year, m. 1, nu. 1, of the same Roll. These Letters Patent are briefly recited in *Rot. Parl.* 5 Hen. IV. nu. 22, and fully in *Rot. Parl.* 38 Hen. VI. nu. 29. For other ancient grants relating to the Duchy, see *Rot. Cart.* 11 Edw. III. m. 7, nu. 14; m. 1, nu. 1; and 16 Edw. III. m. 1, nu. 1.

(3) 4 *Inst.* 50; and see also *Co. Litt.* 98, a, b; and the *Year Book*, 7 Hen. VII. 14, 15, 16.

on the Parliament Rolls, which appear to have received the threefold assent of King, Lords, and Commons, or to have such qualities, as have been allowed by Courts of Law to imply that assent.(4) With a view therefore to a

(4) On the trial of the Earl of Macclesfield, in 1725, before the House of Lords, on an impeachment for extortion in his office of Chancellor, the entry in *Rot. Parl.* 11 Hen. IV. nu. 28, of the Petition of the Commons, "that no Chancellor, Judge, &c. should take any gift or brocage for doing their office," to which the King's Answer, *Le Roy le veut*, is subjoined, was produced in evidence on the part of the managers of the impeachment, as a statute or public act of parliament, although not entered on the Statute Roll; and it was also urged in argument, as "common learning," that the Parliament Roll was the voucher to the Statute Roll. See *State Trials*, vol. vi. p. 760, the Earl of Macclesfield's Case; and 3 *Inst.* 146. 224, 225, where this entry is printed at length, and considered by Lord Coke as an act of parliament. See also the argument on the Jurisdiction of Chancery, annexed to vol. i. of *Reports of Cases in Chancery*, where the necessity and propriety of consulting the Petition and Answer, or the entry thereof on the Parliament Roll, as the warrant for the Statute Roll, is much insisted on, upon the authority of Sir Francis Bacon, and other eminent lawyers, with reference to the Statute 4 Hen. IV. cap. 22. In *Rot. Parl.* 10 Hen. VI. nu. 20, is a Petition of the Commons, for settling the payment of the Fees and Salaries of the King's Justices, Serjeants and Attorney, to which is subjoined the King's Answer, *Fiat prout petitur*: in the oldest Abridgements of the Statutes, title *Justices*, this is abridged as an act of 10 Hen. VI. and called *Statutum per se*; and the Abridgement is copied into Rastall's Collection, and it is there noted that "this is not in the printed Book of Statutes." The whole is inserted in Cay's edition of the Statutes, as Statute 2. of 10 Hen. VI. It is observable also, that the Statute 25 Edw. III., *pro his qui nuti sunt in partibus transmarinis*, p. 310 of vol. i. of *Authentic Collection of the Statutes*, is in the old Abridgements called *Statutum per se*; and that in those Abridgements, title *Excommungement*, reference is made to an instrument cited in the earlier editions as of 9 Edw. III., and in later editions, as of 8 Edw. III., called *Ordinatio per se*, whereby writs were ordained for excommunicating disturbers of the peace of the Church and the Realm. In the later editions it is alleged that such writs were framed on a Statute 5 Edw. III. st. 2, c. 1. Rastall, in the early editions of his Collection, quoting these Abridgements, adds, "But I cannot find any of these Statutes." See further, *Rot. Parl.* 35 Edw. I.; 6 Edw. II.; 14 Edw. II. nu. 5, 33; 5 Edw. III. nu. 3, 5, 6; 6 Edw. III. P. 2, nu. 3; 14 Edw. III. P. 2; 20 Edw. III. nu. 11, 45; 25 Edw. III. nu. 10, 16; 28 Edw. III. nu. 13; 36 Edw. III. nu. 35; 38 Edw. III. nu. 9; 40 Edw. III. nu. 8; 42 Edw. III. nu. 9; 46 Edw. III. nu. 13, 42; 2 Ric. II.



consideration of the question, whether matters of this nature should be comprehended in the present work, lists of a great number of them were prepared, not only from the Parliament Rolls but also from other Records, particularly the Close Rolls and Patent Rolls, which were examined for the purpose with great care and diligence, and transcripts and collations of many of them were made for the examination of the Commissioners. In the progress of this labour, however, it appeared that the matters which came within the description above mentioned were so numerous that the indiscriminate insertion of all of them would constitute a mass, the very bulk of which would prove inconvenient. But, what was of still greater importance, upon examination it became, with respect to many of them, a subject of discussion, from which no certain conclusion could be derived, to what extent they had in fact received sanction, and whether therefore they were, in any degree, entitled to be considered as of legislative authority?(5) It was obvious, at the same time, that to have made a selection

nu. 62; 3 Ric. II. nu. 39; 6 Ric. II. nu. 53; 8 Ric. II. nu. 31; 20 Ric. II. nu. 29; 5 Hen. IV. nu. 22. 24. 41; 8 Hen. IV. nu. 36; 11 Hen. IV. nu. 23. 63; 6 Hen. V. nu. 27; 8 Hen. VI. nu. 27; 9 Hen. VI. nu. 24; 33 Hen. VI. nu. 43; 38 Hen. VI. nu. 29; and very many other articles, all of which appear to have the same qualities as those of 11 Hen. IV. nu. 28, and 10 Hen. VI. nu. 20, above particularly noticed. See also the instances quoted, *post*, p. 176, note (21). In the old Reports of Statutes, from 3 Edw. I. to 1 Jac. I. MS. Harl. No. 244, mentioned in p. 142 of this Introduction, the instrument intitled *Articuli de Moneta*, usually ascribed to 20 Edw. I., is considered as a Proclamation, not as a Statute; and this and some other instruments classed among the ancient Statutes are reported therein as fit to be repealed, on account of the uncertainty of their validity as Statutes.

(5) For a statement of the difficulties upon the terms *Concilium*, &c., as descriptive of Parliament in the early Records, according to the doctrine laid down in the Prince's Case, 8 Rep. 20, 2 Inst. 267, and elsewhere, see *Prynne's Plea for the Lords and House of Peers*, sect 2, and *Prynne*, first part of an *Historical Collection of the Ancient Parliaments of England*; *Lord Hale's Treatise of the Jurisdiction of the Lords' House of Parliament*, Hargrave's edit. chap. iii., and *Luders*, Tract IV. published in 1810.

only of such matters as in the opinion of the Commissioners were the least doubtful, was in effect encountering the same difficulty, only in a smaller degree : and the sources from which they were to be taken, not being in themselves conclusive evidence(6) that the matters contained in them were Statutes, the selection in each instance, necessarily could be nothing more than the result of private judgment ; without the authority of that " general received tradition," which, as Lord Hale observes,(7) attests and approves those Statutes which are not properly extant of Record. Acts also which received the Royal Assent, and which were entered only on the Parliament Roll, and not on the Statute Roll, have been frequently termed *Ordinances* ; and various distinctions have ineffectually been attempted to be made between an *Ordinance* and a *Statute*, with regard to the nature and validity of each respectively.(8) But whatever has at any time been written on this subject is contradictory and indistinct ; and in the reign of Charles I. the information on this point, then of some importance, appears to have been very unsatisfactory.(9) From these considerations therefore, upon ma-

(6) See p. 176, and note (21) there.

(7) *Hale, H. C. L. ch. i. ad fin.* And in the Prince's Case, 8 *Rep.* 20 b, it is said, upon the alleged authority of 7 Hen. VII. 14 a, b, and 34 Edw. III. 12, " multa sunt statut', que scribunt', domini Rex statuit ; si tamen Rotulo Parlamentario intrentur et semp' ut Act' Parliament' approbentur, intendetur hæc auctoritat' Parliamenti fuisse."

(8) See *Co. Litt.* 159 b, and the note thereon, in the last edition ; and 4 *Inst.* 25.

(9) In the British Museum are two copies, Donation Manuscripts, No. 4489 and 5668, of a Manuscript Treatise, entitled *Expeditionis Billarum Antiquitas*, drawn up apparently by Elsyng, who was Deputy Clerk of the Parliaments in 1620, and for several years afterwards. See also MSS. Harl. 305. 4273. 6585. This work professes to give an historical account of the ancient mode of passing Bills in Parliament. It appears from internal evidence to have been written between 1628 and 1640, and to have been designed as a Second Part of the *Treatise on Parliaments*. It is vouched throughout by reference to original Petitions and Rolls of Parliament, from 4 Edward III., the earliest known to

ture deliberation, it was deemed advisable that this collection should include all such instruments as have been

the writer to exist, to 27 Henry VI. In this Treatise, the form and validity of *Ordinances*, as distinguished from *Statutes*, are stated much at length; and amongst other things it is asserted, that an Ordinance cannot make new or permanent law, nor repeal any Statute, but that temporary provisions, consistent with the law in force, may be made by way of Ordinance; and that an Ordinance may be repealed by a subsequent Ordinance without Statute. See *Rot. Parl.* 21 Edw. III. nu. 13. 47. 52; 22 Edw. III. nu. 20, 21; 37 Edw. III. P. 1, nu. 37, 38, 39; 45 Edw. III. nu. 24, 25, 37. 40; that the King did forbear to grant those Petitions which demanded *novel ley*, when he had no intent to make a Statute. See also *Rot. Parl.* 22 Edw. III. nu. 30, that the laws had and used in times past could not be changed without making thereon a new Statute; and see *Rot. Parl.* 11 Hen. IV. nu. 63; 13 Hen. IV. nu. 49, that Ordinances of Parliament which introduced *novel ley* were not of any force. In the Parliament 37 Edw. III. it was precisely demanded by the Chancellor, whether the matters then agreed on, being new and not before known or used, should be granted by way of Ordinance or Statute, and that of Ordinance was preferred by the Parliament, for the purpose that if any thing were to be amended it might be amended at the next Parliament. The Ordinance was accordingly entered on the back of the Parliament Roll, and was termed an Ordinance in the subsequent Parliament. It is very remarkable, however, that this Ordinance is also entered on the Statute Roll, and has always been received as a Statute of this year; that penalties inflicted by former Statutes were repealed by it; and that words of enactment for Statute are expressly used therein. See *Rot. Parl.* 37 Edw. III. part 1, nu. 38, 39; 38 Edw. III. nu. 11; 1 Ric. II. nu. 16: *Rot. Stat.* 37 Edw. III. m. 5, 6; 38 Edw. III. m. 6 d: chapters 16 and 19 of the Statute 37 Edw. III; and chapter 2 of Statute 38 Edw. III.; Statute 1 as printed in *Authentic Collection of the Statutes*, vol. i. p. 378. 382, 383: and further, *Rot. Parl.* 38 Edw. III. nu. 9, and the Ordinances there recited, which were entered on the Statute Roll, and are printed as a Statute of that year in all editions, and in *Authentic Collection of the Statutes*, vol. i. p. 385. See also *Prynne's Irenarchus Redivivus*, p. 27, &c., in which, contrary to Lord Coke's authority, 4 *Inst.* 25, he lays it down that Ordinances and Acts of Parliament were one and the same.

In *Clarendon's History of the Rebellion*, sub an. 1641-2, vol. i. part 2, p. 431, (8vo edit. Oxford, 1707,) it is stated that "An Ordinance for settling the Militia was agreed on by both Houses, and sent to the King for his approbation." The form of the Ordinance follows. It is entitled "An Ordinance of both Houses of Parliament for the ordering of the Militia," &c. After a short preamble the formal words are, "It is ordained by the King, the Lords and Commons, now in Parliament assembled, that," &c. In the first Answer which the

inserted in any general Collection of Statutes printed previously to the edition by Hawkins ; with the addition only of such matters of a public nature, purporting to be Statutes, as were first introduced by him or subsequent editors, and of such other new matters of the like nature, as could be taken from sources of authority not to be controverted ; namely, Statute Rolls, Inrolments of Acts, Exemplifications, Transcripts by Writ, and Original Acts. In the 31st Year of Henry VIII. the distinction between Public Acts and Private Acts is for the first time specifically stated on the Inrolment in Chancery. No Private (10) Acts passed after that date have been admitted into this collection : it was thought sufficient to notice them by the insertion of their titles only.

King sent, he said, " that to avoid all future doubts and questions, he desired it might be digested into an Act of Parliament rather than an Ordinance ; so that all his subjects might thereby particularly know, both what they were to do, and what they were to suffer for their neglect."—p. 437, 438. Afterwards the King, in answer to a Petition presented by the Commons, says, " For the Militia - - - We never denied the thing - - - We only denied the way. You ask it by way of Ordinance - - - We tell you We would have the thing done - - - but desire a Bill, the only good old way of imposing on Our subjects. We are extremely unsatisfied what an Ordinance is, but well satisfied that without Our consent it is nothing, nor binding."—p. 70. A Bill was afterwards prepared by the King's order, and submitted to both Houses, who made several alterations in it. In the King's Message, refusing the royal assent to the Bill so altered, his Majesty told them, " He was pleased they had declined the unwarrantable course of their Ordinance, to the which he was confident his good subjects would never have yielded their consent, and chosen that only right way of imposing upon the people."—p. 503. In the King's Declaration in answer to that made by the two Houses, whereby they assumed the power of the Militia, " He said it was true that he had, out of tenderness of the constitution of the kingdom, and care of the law, which he was bound to defend, and being most assured of the unjustifiableness of the pretended Ordinance, invited and desired both Houses of Parliament to settle whatsoever should be fit of that nature by Act of Parliament."—p. 524.

(10) See Appendix E. subjoined to the Introduction to *Authentic Collection of the Statutes*, vol. i. p. lxxv.

V. OF THE SOURCES FROM WHENCE THE SEVERAL  
MATTERS WERE TAKEN.

I. THE SOURCES from which the materials have been taken for this Collection are necessarily of a different character and description in different periods of our history.

The earliest Statutes contained in the several Collections are those of Henry III. ; but no Parliamentary Record of Statutes is now known to be extant, prior to the Statute Roll 6 Edw. I. To this interval nevertheless belong the statutes of Merton, Marlborough, Westminster the First, and several others, always included in the printed editions. For this early period, therefore, recourse must be had to inferior sources for the text of our Statute Law: and even in subsequent times, there is not only an interruption in the series of Statute Rolls, namely after 8 Hen. VI. until 23 Hen. VI. inclusive, during which the like recourse must be had to sources of an inferior degree of authority; but the Statute Rolls themselves do not, within their own period, contain all the Instruments which have been acknowledged as Statutes. After 8 Edw. IV. the Statute Roll is not preserved; after 4 Hen. VII. it ceased to be made up; and ultimately it was succeeded, for practical purposes, by the Inrolment in Chancery;(1) though, during a short period, the Statute Roll and the Inrolment appear to have been contemporary. The materials for the several periods during which no Statute Rolls or parliamentary Records exist, can only be collected from Records, on which Copies or Extracts of Statutes have been entered; or from other Manuscripts not of Record; or, in default of other authority, from the oldest printed editions in which such matters were first inserted. With respect to entries of Record in these periods, that has been judged to be the most authentic

(1) See *post*, p. 168, as to Inrolments in Chancery.

evidence of a Statute which has been preserved as a record or authentic copy from ancient times, in the custody of the highest Courts authorized for that purpose. Such are copies or extracts of particular Statutes found in the Close, Patent, Fine and Charter Rolls, being Records of Chancery: such also are the Red Books of the Exchequer of Westminster and Dublin. On failure of these Records, recourse has of necessity been had to Manuscripts not of Record, preserved in the custody of Courts of Justice, Public Libraries, or other Public Repositories: such are some ancient Books of Statutes in the Exchequer at Westminster, in the Town Clerk's Office, London, in the several Cathedrals, in the Public and other Libraries of the several Universities of Oxford, Cambridge, and Dublin, and in the British Museum: when all these sources have proved deficient, and in such case only, a copy has been admitted, from the oldest printed edition, with various readings from subsequent printed editions. During the periods in which Statute Rolls or other Parliamentary Records do actually exist, the authentic evidence of Statutes, (and of other Proceedings in Parliament, before the commencement of the Journals,) must be searched for upon Statute Rolls; Inrolments of Acts; Exemplifications of such Statute Rolls or Inrolments; Transcripts by Writ into Chancery for the purpose of such Exemplifications; Original Acts; and Rolls of Parliament.—These are the only authentic sources from whence, during those periods, a knowledge can be obtained of the different occurrences in Parliament, whether important or minute. With the exception of some Rolls containing Proceedings in Parliament from 18 to 35 Edw. I. which are in the Chapter House at Westminster, such of the Original Statute Rolls, Inrolments of Acts, and Parliament Rolls, as are still preserved, are deposited in

the Tower of London,(2) or at the Chapel of the Rolls,(3) places appropriated to the custody of the Records of the King's Chancery, which has ever been deemed the proper repository of the Statutes of the kingdom.

## II. THE NATURE and qualities of the several Records

(2) With respect to the depositing the Records of Chancery in the Tower, see *Rot. Pat.* 9 Eliz. part 6, on which is recorded a Precept from the Queen, dated 1 May, which passed under the Great Seal, to Francis Spilman, Esq. Clerk of the Parliaments, requiring him to remove all Rolls of Parliament, Petitions, Judgements, Attainders, and other Records of Parliament in his custody, from 22 Edw. IV. to 1 Mary, into the Tower, to be delivered to William Bowyer, the Keeper of the Records there. On part 9 of the Patent Roll of the same year is recorded a Precept under the Sign Manual, dated 18 June, to Sir William Cordell, Master of the Rolls, for the like removal of the Parliament Rolls, Patent Rolls, Charter Rolls, Close Rolls, Fine Rolls, and all other Rolls and Records of Chancery for the same period. In *Leland's Collectanea*, (edit. 1770,) / vol. ii. p. 656, is the copy of a Warrant of Queen Elizabeth, without date, requiring a like removal of the Records of the Chancery, which warrant is introduced by the following recital: "Forasmuch, as it is not meet that the Records of Our Chancery, being accompted as a principall Membre of the Threasure belonging to Ourself, to Our Corone and Realme, should remain in private places and houses, for doute of such danger or spoile as heretofore hath happened to the like Recordes in the time of King Richard the Second and King Henry the Sixth, Our progenitours; but rather to remain in Our Towre of London, under the custody of the Keeper of Our Recordes there for the time being, as not only by due custome of our progenitors from time to time used may appeare, for that (as Wee are informed) all the Records of Our said Chancery, from the time of Our progenitour William the Conqueror, until the last year of the reign of King Edward the Fourth, Our progenitour, have been from time to time thereunto brought, and now there at this time doe remain; but also (as Wee are informed) the same is by Recorde manifeste and apparante." The Parliament Rolls, however, as also the Close, Patent, Fine and Charter Rolls, from the time of Ric. III., still remain in the Chapel of the Rolls; but many bundles of Bills, Answers, Depositions, and other proceedings in Chancery, have, at the instance of the Six Clerks, been from time to time removed from their Record Room to the Tower; and Examinations taken by the Examiners of the said Court, have, at their instance, been also removed to the Tower.

(3) For Letters Patent of Edw. III., annexing the *Domus Conversorum*, now the Chapel of the Rolls, to the Office of the Master of the Rolls, and the confirmation thereof by Ric. II., see *Rot. Pat.* 51 Edw. III. m. 20; 6 Ric. II. part 3, m. 12.

and Manuscripts from whence all the Statutes, as well those of an earlier as of a later period, have been taken for insertion or collation in this work, and the place where each original record and manuscript is kept, will more fully appear from the following detail.

1. *Statute Rolls*.—These are Records of Chancery, of the highest authority, on which were entered the several Statutes when drawn up in form, for the purpose of being proclaimed and published; these Statutes being framed upon such original Petitions and Answers, or entries thereof on the Parliament Rolls, as related to Public concerns.(4) The earliest Statute Roll now known to exist, is that which commences with the Statute of Gloucester, 6 Edw. I. A.D. 1278. From that period to 8 Edw. IV. inclusive, A.D. 1468, with an interruption, after 8 Hen. VI. until 23 Hen. VI. inclusive, the Statutes are preserved in the Tower of London in a regular series, on six separate Rolls, each Roll consisting of several membranes tacked together. The contents of each Roll are as follows; viz.

Of the Great Roll; Statutes from 6 Edw. I. to 50 Edw. III. But this Roll does not contain all the Statutes which have been printed as of that period.(5)—Second Roll;

(4) See p. 170, note 12.

(5) Lord Hale, *H. C. L.* chap. 1, says this Roll “ begins with *Magna Carta* and ends with Edw. III.” This is erroneous; for though part of the Roll antecedent to 6 Edw. I. may have been lost since the time of Lord Hale, there is no reason to conclude that it ever began with *Magna Carta*: *Magna Carta* and *Carta de Foresta* are not entered on this Roll prior to 25 Edw. I., and they are accordingly printed as Statutes of that year in *Authentic Collection of the Statutes*. There are not wanting authorities which seem to consider the Great Charter as possessing the validity of a Statute from the 1st or the 9th of Henry III.; before the confirmation of it by the Statute of Marlborough, 52 Henry III. It is so considered by Coke in 2 *Inst.* 65; 1 *Inst.* 43 a, 81 a; in the *Prince’s Case*, 8 *Rep.* 19; and elsewhere: by Hale, *H. C. L.* chap. 1; and by Blackstone in his *Introduction to the Charters*, 4to. p. xl.: 8vo. p. lxi. It is also expressly called a Statute by Littleton, sect. 108; but this may be referable to its subsequent confirmation by Parliament. Hale’s idea may probably have arisen from



Statutes temp. Ric. II. There is also a separate Roll, of one membrane, containing a duplicate of the Statutes 21 Ric. II. Third Roll; Statutes temp. Hen. IV. and V.—Fourth Roll; Statutes 1 Hen. VI. to 8 Hen. VI.—Fifth Roll; Statutes 25 Hen. VI. to 39 Hen. VI.—Sixth Roll; Statutes 1 Edw. IV. to 8 Edw. IV. This is the last Statute Roll now known to exist, none of a later date having been found. These have ever had the reputation annexed to them of being Statute Rolls. Some of them are cited by that name upon the Close and Patent Rolls; (6) and referred to by great law writers, Lord Coke, Lord

supposing it to be on the Statute Roll before 6 Edw. I. And Coke and Blackstone founded their opinions chiefly upon two judicial decisions cited from *Fitzherbert's Abridgement*, (part 2, fo. 120 b, tit. *Mordaunc*, pl. 23, and part 1, fo. 188 a, tit. *Briefs*, pl. 881,) the one as of 5 Hen. III., the other as of 21 Hen. III.; to which may be added another of 23 Hen. III., *Fitzherbert's Abridgement*, part 1, fo. 90 a, tit. *Assise*, pl. 436. These, if of those years respectively, certainly prove that the Great Charter was then considered as the Law of the Land, but not absolutely that it was previously of Parliamentary Enactment. In the instances of 5 Hen. III. and 23 Hen. III., the phrase *testatut de Magna Carta* is merely used incidentally by Fitzherbert in stating the points adjudged; and there is some ground to think also that the former decision was possibly of a much later period. See the *Year Books*, 38 Hen. VI. 18, and 39 Hen. VI. 19. In the instance of 21 Hen. III. the Great Charter is referred to, not as a Parliamentary Act, but as a Grant, *concessum* being the word used to denote its authority; which construction the Preamble of the *Articuli super Cartas*, Stat. 28 Edw. I. and the beginning of chapter 1 of that Statute, confirm; though in the *Confirmatio Cartarum*, Stat. 25 Edw. I. c. 1, which passed during the absence of the King from the realm, it is recited of the two Charters, “les queles furent faites p' cōmun assent de tut le Roiaume.” In an Admiralty Record, quoted by Prynne (*Animad.* 120) as of 23 Hen. VI., the Laws of Oleron are recognised by the term *Statutum*.

- (6) { “Vacat quia nō fuerūt cōsignate; set alit' in rotulo de Statutis.” *Rot. Claus.* 27 Edw. I. m. 17 d; D' q'busdam artic'lis Magne Carte & Carte de Foresta. See Stat. 27 Edw. I., *Authentic Collection of the Statutes*, vol. i. p. 126.
- “Le quel Estatut est enroulle en le-roulle destatutz.” *Rot. Pat.* 15 Edw. II. p. 1, m. 17. See Stat. 15 Edw. II., *Authentic Collection of the Statutes*, vol. i. p. 187, and note b there.

Hale,(7) and the editors of Statutes, Pulton, Hawkins, Cay, &c. There is evidence also that Statute Rolls have existed of a subsequent time ; for the statutes after 8 Edward IV. until 4 Henry VII. inclusive, are inserted in the early printed editions in a form manifestly copied from complete Statute Rolls ; and they are found in the like form in lib. xi. in the Exchequer at Westminster, MS. Cott. Nero, C. I. in the British Museum, and in several other Manuscript collections. But there is reason to conclude, that the making up of the Statute Roll entirely ceased with the session 4 Henry VII. as no such roll of a later date, nor any evidence thereof, has been discovered ; and it is observable that in the next session, 7 Henry VII. Public Acts were, for the first time, printed from the several Bills passed in Parliament, and not as part of one general Statute drawn up in the ancient form.

2. *Inrolments of Acts of Parliament.*—These are Records, containing the Acts of Parliament certified and delivered into Chancery. They are preserved in the Chapel of the Rolls, in an uninterrupted series from 1 Ric. III. to the present time ; except only during the usurpation. By the officers of Chancery they are commonly termed “Parliament Rolls ;” and they are variously endorsed, some with the phrase “Inrolments of Acts.”(8) From 1 Ric. III. to 3 Car. I. inclusive, they comprehend several other Proceedings of Parliament besides the Acts inrolled (sometimes, for instance, the Commissions for giving the Royal Assent to Bills are found entered on

(7) Lord Hale speaks of Statutes extant of Record either “in the proper and natural Roll, viz. the Statute Roll, or entered in some other Roll, especially the Close Rolls or Patent Rolls, or in both.”—*Hale, H. C. L.* chap. 1.

(8) See Appendix E, subjoined to the Introduction to *Authentic Collection of the Statutes*, vol. i. p. lxx. ; as also the *First Report of the Select Committee of the House of Commons on the Public Records*, ordered to be printed 4 July, 1800, and the Appendix thereto, D. i. a. page 84. And further, as to Rolls of Parliament, see *post*, p. 175.

them);(9) thus partaking of the qualities of Rolls of Parliament, and including nearly the same contents: until, the miscellaneous matters disappearing by degrees, the Acts inrolled only occur. After 5 Hen. VII. they may be considered, in effect, as coming in the place of the Statute Roll.(10) To 25 Hen. VIII. they contain all Acts public and private, which were passed in every session, each with an introductory and concluding form of their being presented and assented to. From 25 Hen. VIII. to 35 Eliz. several of the Private Acts, and afterwards to 3 Car. I. all the Private Acts, are omitted, their titles only being noticed. From 16 Car. I. to 31 Geo. II. the Inrolments contain nothing but the Public Acts, and the titles of the Private Acts, with the several Forms of Assent, without any other Parliamentary matter. And from 32 George II. their contents are the same, with the omission of the titles of the Private Acts. At present, after all the Public-General Acts of the session have received the Royal Assent, a transcript of the whole is certified by the Clerk of the Parliaments, and deposited in the Rolls Chapel: On that occasion the Clerk of the Parliaments sends the Roll, or Rolls, containing such transcript, apparently in a complete state, engrossed on parchments, signed, and certified by him as Clerk of the Parliaments; and it is thereupon arranged with the other Records; and thus becomes the Inrolment of the Statutes of that session of Parliament. For this Transcript the Clerk of the Parliaments is paid every

(9) No notice is taken at the present day, on the Inrolment of Acts in Chancery, of any Commission by which Acts are passed. It is believed that no instance of the entry of any such Commission on that Inrolment has occurred since the time of Charles I. See in Appendix F, subjoined to the Introduction to *Authentic Collection of the Statutes*, a further account of these Inrolments, and a copy of the earliest Commission for giving the Royal Assent.

(10) See *ante*, p. 166, and Appendix E, subjoined to the Introduction to *Authentic Collection of the Statutes*.

session out of the Hanaper, on a receipt by the Clerk of the Records in the Rolls Chapel, stating that the Roll is delivered there. It may be further observed upon this subject, that the proceedings which took place in the House of Lords in Ireland in 1758,(11) for the better preservation of the Records of Parliament in that Kingdom, where the constitution and law of Parliament were in all essential points conformable to those of England, afford a strong illustration of the practice of certifying Statutes and recording them in Chancery.(12)

(11) See an account of these proceedings in Appendix E, subjoined to the Introduction to *Authentic Collection of the Statutes*.

(12) The following Minute respecting the mode of framing Statutes is extracted from the treatise intituled *Expositio Billarum Antiquitas*, quoted in p. 160, note (9).

The Statute was made by the King and a Council of Judges, and others, who were called to assist herein. "The usual time for making a Statute was after the end of every Parliament, and after the Parliament Roll was engrossed, except on some extraordinary occasions." "The Statute was drawn out of the Petition and Answer, and penned in the form of a Law, into several Chapters, or Articles, as they were originally termed." "The Statute being thus drawn up into divers Heads or Articles, now called Chapters, it was shown to the King, and upon his Majesty's approbation thereof, it was engrossed, (sometimes with a Preamble to it, and a clause of *Observari Volumus* at the conclusion, and sometimes without any Preamble at all,) and then by Writs sent into every county to be proclaimed." See *Rot. Parl.* 14 Edw. III. nu. 7; 15 Edw. III. nu. 42; 17 Edw. III. nu. 19. 23; 18 Edw. III. nu. 12. 23, 24; 22 Edw. III. nu. 4. 30; 25 Edw. III. m. 5, nu. 12, 13; m. 4, nu. 43; 27 Edw. III. nu. 42; 28 Edw. III. nu. 16; 37 Edw. III. nu. 39; 1 Ric. II. nu. 56; 2 Ric. II. nu. 28; 3 Ric. II. nu. 46. 50; 6 Ric. II. nu. 34. 52; 7 Ric. II. nu. 40; 2 Hen. IV. nu. 21; 7 & 8 Hen. IV. nu. 31. 37. 48. 60. 65; 13 Hen. IV. nu. 17; 2 Hen. V. p. 1, nu. 22; 8 Hen. V. nu. xvi.; 9 Hen. IV. nu. 17; 2 Hen. VI. nu. 46; 10 Hen. VI. nu. 17; 15 Hen. VI. nu. 33; *Hale, H. C. L.* chap. 1; and 3 *Kemble's Rep.* 587.

"Many inconveniencies happened to the subject by the ancient form in framing and publishing of the Statutes, viz.—Sometimes no Statute hath been made, though agreed on; many things have been omitted, many things have been added in the Statute; a Statute hath been made to which the Commons did not assent, and even to which neither Lords nor Commons assented." See

**3. Exemplifications; and Transcripts by Writs.—Exemplifications** are copies sent out of Chancery under the

1 *Hale*, P. C. 394; 3 *Inst.* 40, 41; 12 *Rep.* 57; *Rot. Parl.* 18 Edw. III. nu. 32—39; 3 *Ric.* II. nu. 38; 6 *Ric.* II. nu. 53.

“Les ditz cōes prierent a n're s' le Roy, q' les bosoignes faites & affaires en cest p'lement soient enactez & engrossez dev'nt le dep'tir des Justices tantcome ils les aient en leur memoire; a quoi leur feust responduz q' le Clerk du P'lement ferroit son devoir pur enacter & engrosser la substance du P'lement p' advis des Justices, & puis le monstrier au Roy & as s'rs en P'lement pur savoir leur advis.”—*Rot. Parl.* 2 Hen. IV. nu. 21.

As to the inrolling of the Statute in Chancery, see *Rot. Claus.* 12 Edw. II. m. 22 d, where the proceeding is thus explicitly stated. “Le Roi voet & g'unt. . . q' tutes les choses desusesrites soient enroulees en roulle de Parlement, & de illoesq's envoie en sa Chauncellerie, & illuesq's enroulees, & de illusq's per bref de son g'nt seal envoie a les places del Eschequer & de lun Baunk & del autre, od comandement de enrouller les illoesq's & a tenir les & a garder en la fourme avantdite.”

And in conformity with this proceeding, Statutes made in England and required to be proclaimed and observed in Ireland, were sent to the Chancellor there, to be inrolled in the Chancery of that Kingdom, and thence exemplified and sent to the Courts of Justice, &c. See Stat. 12 Edw. II. and the Writs at the end thereof, *Ancient Collection of the Statutes*, vol. i. p. 179; and for other instances illustrative of thus inrolling Statutes in Chancery in England and Ireland, see Appendix E, subjoined to the Introduction to *Authentic Collection of the Statutes*.

The distinction between such Bills as were common and such as were particular, or in the more modern phrase, Public Acts and Private Acts, with respect to the practice of inrolling them, was thus certified by Kirkby of the Rolls, 33 Hen. VI. “Sir, le cours del Parlem'nt est tiel - - si aucun bill, soit p'ticuler, ou aut' bill q' soit primerm't deliv'r a les Comūs, et sil passe eux, ils usent endosser le bill en tiel forme; cest assavoir, ‘soit baill' as seigniors;’ et si le Roy et les seigniors agreent a m' le bill, et ne voilloit alt' ne changer le bill, adonq' ilz ne usent endosser le bill, mes est baill' al Clerk del Parlement pour ēe enrolle; et si ce soit un comē bill, il serra enrolle et enacte; mes si soit un p'ticuler bill, il ne serra enrolle, mes sera file sur le filad' et est assez biē; mes si la p'ty veut suir pur lētr' pour estre le mieux seur, il purroit estre enroule.”—*Year Book*, 33 Hen. VI. 17; *Fitzh. Abr.* tit. *Parliament*, pl. 1; *Bro. Abr.* tit. *Parliament and Statutes*, pl. 4. See also *Rot. Claus.* 6 Hen. VI. nu. 11, for the proceedings towards the Inrollment of a Particular Bill or Private Act.

In the 14th year of James I., Lord Hobart, speaking of a Private Act then under consideration, said, “That very Bill is filed with the rest of the Bills, and

King's Seal; either to sheriffs of counties and cities in England, or to the Chancellor or Chief Justice of Ireland,

the King's Assent unto it, and labelled with the rest, whereunto the Great Seal is set, as the course is in Private Acts, which are not inrolled without special suit, as General Acts are; for General Acts are always inrolled by the Clerk of the Parliament, and delivered over into Chancery, which Inrollment in the Chancery makes them the Original Record (as it was resolved in John Stubbs's Case): but in Private Acts the very body of the first Bill filed and sealed as aforesaid, and remaining with the Clerk of the Parliament, is the Original Record."—*Hob.* 109. The following account, given also in the reign of James I. by Bowyer and Elsyng, in the written objections which they made to Pulton's having access to and printing the Original Records of Acts in the Tower, (see *ante*, p. 145,) appears to be more accurate with respect to Private Acts than that of Lord Hobart, and agrees with that given by Kirkby in 33 Hen. VI. "At the end of every Session of Parliament, all the Public Acts are engrossed into one great Roll by Bowyer, as Clerk of the Parliament; and the same Roll being by him subscribed, he delivereth into the Chapel of the Rolls; which is thereupon there received, and placed among the Records of the Chancery, being the highest Record of the kingdom, without any other warrant than his hand: which Acts or Statutes so by him transcribed, do bind his Majesty's subjects of all degrees for ever. If any Private Act be at any time to be certified into the Chancery, a Writ of Certiorari is directed to Bowyer, who thereupon doth certify the same under his hand; which accordingly is received, without any allowance or warrant of any other person, and is thereby made a Record, and bindeth the party whom it concerneth, and all others." MS. Cott. Titus, B. V. p. 69. See further, *Hale, H. C. L.* chap. 1; 3 *Keb. Rep.* 587; *Dewes's Journals of Parliament*, 1 Eliz. p. 35; and the instances in Appendix E. and F, subjoined to the Introduction to *Authentic Collection of the Statutes*.

All the Statutes passed in each session are now classed in three distinct series. The first series contains the Public-General Acts, such as in their nature are public and general, which are certified into Chancery, and printed by the King's printer for general circulation. The second series contains Acts respecting particular places and persons: of these the Road Acts, Canal Acts, and all others by which Felonies are created, Penalties inflicted, or Tolls imposed, have a clause annexed to each, "That the Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all judges, justices and others, without being specially pleaded." Other Local or Personal Acts, which are not required to have this public clause annexed, have each a clause inserted, at the suit of the parties, "That the Act shall be printed by the King's printer, and that a copy thereof, so printed, shall be admitted as evidence thereof by all judges, justices and others." All the Acts of this second series are printed together in one collection. The third series contains such Local and

or to other courts or places, for the safe custody and for the proclaiming or confirming of the statute; or in other cases for affording authentic evidence of the statute. In the Tower of London, copies of the Statutes 9, 10, 11, 14, 15, 18, and 20 Hen. VI. (for some years to the number of two, three, six, or seven copies) are preserved on separate skins of parchment, which appear to have been prepared as Exemplifications, for the purpose of proclaiming the several Statutes; and these serve to supply the deficiency of the Statute Roll during that period. One similar copy of the Statutes 13 Ric. II. is also preserved in the Tower.(13) It is not irrelevant to remark, that an Exemplification differs from an Original Grant under the Great Seal, or an Original Act of Parliament, in this; that an Exemplification is a copy, and can be made only from the Record.(14) At the present day every Exemplification, being first made out in form by the proper officer, is examined with the Record by two Masters in Chancery, who not only subscribe a Certificate on the Exemplification, of their having examined it with the Record, but also sign a

Personal Acts as are without either of the above clauses, and are therefore not printed. See *Reports of the Committee of the House of Commons on the Promulgation of the Statutes*, in 1796 and 1801; and *Resolutions of the House of Commons*, 7 May, 1801, and 18, 22 and 24 March, 1803.

(13) See also *Rot. Pat.* 2 Edw. III. p. 2, m. 15; the *Articuli Cleri*, 9 Edw. II., exemplified at the request of the clergy of Sarum; *Rot. Pat.* 2 Ric. II. part 2, m. 20; *Assisa Panis*, &c., exemplified at the request of the bakers of Coventry; *Rot. Claus.* 5 Ric. II. m. 13 d; the Recital and Confirmation in Parliament of the *Statute of Wynton*, 13 Edw. I.: and further, the Notes and Writs subjoined to the following Statutes, viz. *Stat. Wynt.* 13 Edw. I.; *Stat. de Mercatoribus*, 13 Edw. I.; *Stats.* 22 Edw. I.; 27 Edw. I.; 34 Edw. I.; 35 Edw. I.; 3 Edw. II.; 9 Edw. II.; 12 Edw. II. As to exemplifications for particular purposes, at the present day, see that relating to the Act for the Union of Great Britain and Ireland, in Appendix E. to the Introduction to *Authentic Collection of the Statutes*.

(14) See 3 *Inst.* 173; and *Stats.* 3 & 4 Edw. VI. c. 4; 13 Eliz. c. 6.

Certificate to that effect, addressed to the Lord Chancellor, on a paper called the Docket, which is left with him before the Exemplification is allowed to pass the Great Seal. *Transcripts by Writ* were copies sent into Chancery in answer to the King's writ or mandate, calling for a copy of the Statute from the officer in whose custody it was preserved. A Transcript of the Statutes of Wales, 12 Edw. I. is preserved in the Tower of London, with the Writ annexed, by which that Transcript was required from the Exchequer at Westminster;(15) where it was entered of Record, according to the usage which formerly prevailed, of sometimes inrolling Statutes in Courts of Justice.(16) Transcripts and Exemplifications of Statutes have also been occasionally found in various other repositories.(17)

4. *Original Acts*.—These, from the 12th year of Henry VII. to the present time, with some interruption, particularly in 14 & 15 Hen. VIII. and 21 Hen. VIII. are preserved in the Parliament Office. Some Petitions and Bills previous to 12 Hen. VII. are in the Tower of London, but in no regular series. The Original Acts in the Parliament Office consist of the Bills as ingrossed after being brought into Parliament, and in the state in which, after such Ingrossment, they passed both Houses, and received the Royal Assent. Each Act is on a separate Roll, numbered; and reference is made to them from a Calendar kept of the Acts of each session in the Parliament Office. These are the materials from which the Clerk of the Parliaments makes up the Inrolments of Public Acts sent

(15) See Note and Writ at the end of *Stat. Wallie*, 12 Edw. I.; see also *Rot. Claus.* 9 Edw. II. m. 11; the Correction of Chapter 12 of the Statute of Gloucester, 6 Edw. I., sent to the Justices of the Bench; and again, *Rot. Claus.* 17 Edw. III. part 1, m. 7.

(16) 4 *Inst.* 43; *Rot. Claus.* 12 Edw. II. m. 22 d.

(17) See Appendix C, subjoined to the Introduction to *Authentic Collection of the Statutes*.



by him into Chancery, and preserved there; or certifies Acts into Chancery, when required so to do.(18) As to the comparative authority of the Original Acts and the Inrolments in Chancery, it is to be observed, that all the Original Acts are separate from each other; and that they are frequently interlined, defaced, erased, and in many instances with great difficulty intelligible:(19) the Inrolment in Chancery is always fair and distinct: and the Acts are entered in a regular series, on one Roll or subsequent Rolls, as part of the proceedings of a Parliament, the time of the holding of which is stated at the beginning of the Roll. In modern practice, if any doubt arises as to the correctness of the Inrolment in Chancery,(20) application is made to the Clerk of the Parliaments; and the Original Act is thereupon produced, and compared with the Inrolment, and an amendment, if requisite, is made in the Inrolment accordingly.

5. *Rolls of Parliament*.—These contain Entries of the several transactions in Parliament; when complete, they include the adjournments, and all other common and daily occurrences and proceedings from the opening to the close of each Parliament, with the several Petitions or Bills, and the Answers given thereto, not only on public

(18) It was one of the functions of the Clerk of the Parliaments to receive, in the Upper House, the Petitions of the knights, citizens and burgesses. See *Rot. Parl.* 20 Edw. III. nu. 11. And with respect to the appointment of the Clerk of the Parliaments, see *Rot. Parl.* 14 Edw. III. nu. 3; 15 Edw. III. nu. 1; 17 Edw. III. nu. 1; 18 Edw. III. nu. 4; 2 Hen. IV. nu. 21; 4 Hen. IV. nu. 10; 5 Hen. IV. nu. 40.

(19) See particularly the Act of Uniformity, 14 Car. II., printed as cap. 4 of that Session, and being nu. 3 of the Bundle of Acts of that year in the Parliament Office; and nu. 4, on part 1, of the Rolls, containing the Inrolment of those Acts in Chancery. And for other instances, see Appendix F, subjoined to the Introduction to *Authentic Collection of the Statutes*.

(20) See *Rot. Parl.* 6 Hen. IV. nu. 56, for amendment of errors in a Subsidy Act, as entered "en les rolles de la Chauncellerie s' lengrossure del dit p'lement," contrary to the actual grant by the Commons.

matters, on which the Statute was afterwards framed, but also on private concerns. In some few instances the Statute, as drawn up in form, is entered on the Parliament Roll: but in general the Petition and Answer only are found entered; and in such case the entry, of itself, furnishes no certain evidence, that the Petition and Answer were at any time put into the form of a Statute.(21) Copies of Petitions in Parliament and Answers thereto, as early as 6 Edw. I. and in various years of Edw. II. and Edw. III. are among Lord Hale's Manuscripts in the Library of Lincoln's Inn. Rolls containing Pleas, Petitions and Answers, and other proceedings in Parliament, from 18 to 35 Edw. I. and one of Petitions in Parliament 7 Hen. V. are in the Chapter House at Westminster. A book of Inrolment, called *Vetus Codex*, in which are entered Proceedings in Parliament, from 18 Edw. I. to 35 Edw. I. and in 14 Edw. II. is in the Tower of London.(22) In that Repository also are preserved Rolls containing Pleas and other Proceedings in Parliament, between 5 Edw. II. and 13 Edw. III.; Rolls of Parlia-

(21) See *Hale, H. C. L.* chap. 1, and 3 *Keb. Rep.* 588. That the royal assent given to a Petition did not of itself constitute a Statute, see *Rot. Parl.* 14 Edw. III. nu. 7; 15 Edw. III. nu. 42; 17 Edw. III. nu. 48; 18 Edw. III. nu. 33. 39; 25 Edw. III. nu. 12, 13; 37 Edw. III. nu. 39; 1 Ric. II. nu. 15; 2 Hen. IV. nu. 114; 7 & 8 Hen. IV. nu. 60. 66; 13 Hen. IV. nu. 49; 23 Hen. VI. nu. 18, 19. See also, *ante*, p. 158, note (4); p. 160, note (9); and p. 170, note (12).

(22) The Contents of this volume were printed in 1661, by W. Ryley, a Clerk in the Record Office in the Tower, with an Appendix of additional matter, under the title of *Placita Parliamentaria*. The original manuscript volume is referred to in *Rot. Pat.* 6 Ric. II. part 2, m. 26, as an authentic book of inrollment, as follows:—"D' Exemplific' Tykford. R' Om'ibus ad quos, &c. salf'm. Inspecim' tenorem cujusdam p'cepti dñi E. quondam Regis Angl' fil' Regis Henr' p'genitoris n'ri, in quodam libro de P'liamentis ejusdem dñi E. anno regni sui vicesimo irrotulati in hec verba." Then follows verbatim the Article *De Abbati de Mermonster*, entered in fo. 36 of the *Vetus Codex*, and printed in page 102 of Ryley's *Placita Parliamentaria*.

ment of 9 Edw. II.; 4, 5, and 6 Edw. III.;(23) and 13 Edw. III.; and from thence to the end of the reign of Edw. IV. in a regular, and nearly uninterrupted, series. After that time the Rolls of Parliament are, for a certain period, supplied by the Inrolments of Acts preserved in the Chapel of the Rolls,(24) and finally by the Journals of the two Houses of Parliament.(25)

6. *The Close, Patent, Fine, and Charter Rolls*, among a variety of Grants, Recognizances, and other miscellaneous

(23) At the head of these two Rolls are the following Titles or Introductions, viz. At the head of the Roll 9 Edw. II. :

“ Memoranda de P'liamento dñi Edwardi Regis Angl' filii Edwardi quondam Regis Angl', sumonito & tento apud Lincolñ in quindena Sc'i Hillaf, Anno regni dñi Reg' nono; facta p' Will'm de Ayremynne cl'cum de Cancellar' p'fati Reg', p' eundem Regem ad hoc nōiatum & specialit' deputatum.”

At the head of the Roll of 4, 5 and 6 Edw. III. :—“ Recorda & Memorand' de hiis qui febant in P'liamento sum' apud Westm' die Lune p'x' post festum sc'e Catherine anno Regni Regis Edwardi t'cii a conquestu quarto, lib'ata in Cancellar' p' Henr' de Edenestowe cl'icum P'liamenti.”

(24) See *ante*, p. 169; and see also Appendix E, subjoined to *Authentic Collection of the Statutes*, for some instances illustrative of the contents of the Parliament Rolls, including the earliest instances of the opening of Parliament by authority of the King's Commission. As a specimen of the contents of the several Rolls and Manuscripts, from 6 Edw. I. to 19 Hen. VII., the six volumes of *Rotuli Parliamentorum, ut et Petitiones et Placita in Parlamento*, printed by an order of the House of Lords of 9th March, 1767, may be consulted: but this collection does not contain all the Rolls, Petitions and Parliamentary Proceedings during that period, and it is by no means to be relied upon for correctness.

(25) The *Journals of the House of Lords* commence in 1 Hen. VIII.; but of the years 4, 5, 14 and 15, 21, 22, 23, 24, 26 and 27 Hen. VIII., and of the first two sessions in 1 Mary, the Journals have not been preserved. In the printed editions, therefore, the Journals for those years are supplied by copies of, and extracts from, what are there termed the Parliament Rolls, being the Inrolments in Chancery mentioned above, and particularly described *ante*, p. 169. The *Journals of the House of Commons* commence in 1 Edw. VI., but until the beginning of the reign of Elizabeth they contain merely short notes of the several readings of the respective Bills before the House, with a few occasional entries only of other proceedings. See further Appendix F, subjoined to the Introduction to *Authentic Collection of the Statutes*.

matters, concerning the state of the Realm and the rights of the Crown, recorded in them, include Entries of Statutes, and some instruments having direct reference to Statutes, wherein such Statutes are recited at length. These Rolls are kept at the Tower, from the beginning of the reign of King John to 22 Edw. IV., and from the reign of Edw. V. to the present time at the Chapel of the Rolls.

7. *Books of Record, containing Entries of Statutes and Parliamentary Proceedings.*—Of this sort is the *Red Book* of the Exchequer at Westminster, some of the early part of which was compiled by Alexander de Swereford, first a Clerk, and afterwards a Baron of the Exchequer,(26) in the reign of Henry III. It seems afterwards to have been considered and used as an authorized repository by the Court itself; and contains Entries and Inrolments of many Charters and ancient Acts of Parliament, as well as other instruments relating to the King and the rights of the Crown, from the time of William the Conqueror to the end of Edw. III.: the originals of several of these Acts and Instruments are preserved in the Tower of London, and in the Chapter House at Westminster, with references to Inrolments in this Book,(27) or to the circumstance of the Act being sent into the Exchequer.(28) The *Red Book* of the Exchequer at Dublin

(26) *Madox's History and Antiquities of the Exchequer*, i. 179. 624; and see also the *Dissertatio Epistolaris* prefixed to the *Dialogus de Scaccario*, ii. 334, 5, 6, &c.

(27) See the Statute of Sheriffs, 9 Edw. II. *Rot. Stat. m.* 32, printed in the *Authentic Collection of the Statutes*, vol. i. p. 174, 175, at the end of which is the following Memorandum:—"Et fait a remembrer q<sup>e</sup> meisme lestatut fu seal souz le g<sup>ant</sup> seal & maunde as Tresorer & Barons del Eschekier....de fermement garder en tuz ses pointz." In the *Red Book*, fo. 276 b, the writ is entered with the tenor of the Statute, *sub pede sigilli*, as transmitted to the Exchequer, according to the Memorandum on the Tower Roll.

(28) See the *Red Book*, fo. 318, 319, where two Grants from William de la Pole to Edw. III. are entered. The originals of these Grants are in the Chapter House, and are there indorsed as inrolled in this book, with reference to the above pages therein.

is considered as of the same authority ; it contains entries of *Magna Carta*, 1 Hen. III. especially granted to the people of Ireland ; of the Statute of Westminster the First, 3 Edw. I. (which is not to be found on the Great Roll of Statutes in the Tower of London, being prior in date to the present commencement of that Roll), and also of the statutes of Gloucester, 6 Edw. I. *de Viris Religiosis*, 7 Edw. I. and Westminster the Second, 13 Edw. I. agreeing in general with the text of those statutes on the Statute Roll in the Tower. There is reason to conclude that these statutes were entered in the Red Book at Dublin, from an Exemplification sent over from England in the 13th year of Edw. I. as is noticed in a memorandum on the Close Roll of that year.(29) A Register Book marked A., preserved at the Chapter House at Westminster, as in the custody of the Treasurer and Chamberlains of the Exchequer,(30) contains Entries or Inrolments made in the time of Edward I. Among these are the Statute of Gloucester, 6 Edw. I. and the Statute of Westminster the Second, 13 Edw. I. The originals of the several Statutes and Instruments, it is stated in the Register, were depo-

(29) { *De Statutis liberatis.* } “ Memo<sup>d</sup> q’d die Ven’is in festo Exaltac’ois Sc’e Crucis anno &c. xiiij<sup>o</sup> apud Wynton lib’ata fu’nt Rog’o Bretun Cl’ico ven’ab’ p’ris W. Wat’ford Ep’i tuc justic’ Hib’ quedam Statuta p’ Regem & consiliu suu edita & p’visa, videl’t Statuta Westm’ statim post coronac’oem R’ edita, & Statuta Glouc’, & Statuta p’ m’catorib’ fc’a ac Statuta Westmon in P’leamento Reg’ Pasch’ anno p’dc’o p’visa & fc’a, in Hib’ deferenda & ibide p’clamanda & obs’vanda.”—*Rot. Claus.* 13 Edw. I. m. 5 d.

See also Sir Richard Bolton’s edition of the *Statutes of Ireland*, edit. 1621, note to Stat. 10 Hen. VII. c. 22, where he mentions that he had seen certain ancient Statutes, particularly the Statutes Westm. 1, Gloucester, and Westm. 2, exemplified under the Great Seal, and remaining in the Treasury of the City of Waterford. On a diligent search made for that purpose at Waterford in 1806, by two Sub-Commissioners on the Records, no such exemplification could be found there.

(30) See *Rymer’s Fœdera*, ii. 172. 210. 336. 380, &c.

sited in certain chests in the Chapter House; but these originals have not been discovered.

8. *Books and Manuscripts not of Record*, containing Entries or Copies of Statutes, are very numerous. In the Court of Exchequer at Westminster are three Books, marked IX. X. XI. Book X. contains many of the earlier Statutes previous to Edw. III.: Books IX. XI. contain the Statutes from 1 Edw. III. to 7 Hen. VIII. In the Town Clerk's Office, at the Guildhall of the City of London, are several Manuscript volumes, in which, among other matters chiefly relating to the Laws and Customs of the City of London, are entries of many of the ancient Statutes previous to Edward III. The greatest number, and the earliest copies are in two volumes distinguished by the appellation, *Liber Horn* and *Liber Custumarum*. It appears, from internal evidence, that *Liber Horn* was compiled about the year 1311, and *Liber Custumarum* not long after the year 1320: *Liber Horn* is rendered valuable by having been in many instances corrected, in a later handwriting, from Exemplifications of Statutes sent under seal to the Sheriffs of London. In two other manuscripts, one called *Liber de Antiquis Legibus*, and the other *Transcriptum Libri Albi*, copied from a volume originally compiled in the mayoralty of Richard Whityngton, A.D. 1419, 7 Hen. V., are occasional Entries of a few ancient Statutes. In other volumes marked G. H. and I. are Entries of some of the Statutes of Edw. III. Richard II. Henry IV. and Henry V.; many of them appearing to have been made from Exemplifications sent to the sheriffs of London for Proclamation. Of Manuscript Collections of Statutes, preserved in public repositories, the greatest number collected together in any one place is to be found in the British Museum. They are distinguished as being of the Cottonian or Harleian Collection; from the Royal Library; Donation

Manuscripts; and Lansdowne Manuscripts. The Cottonian Manuscripts, Claudius D. II. and Vespasian B. VII. were resorted to by Hawkins and Cay, for copies of Statutes previous to Edw. III.; and Nero, C. I. for Statutes of Henry VI. and Edward IV. not found at the Tower. In the Bodleian Library at Oxford, are Rawlinson's, Hatton's, and Laud's Manuscripts. Among the latter is a Roll of Statutes, No. 1036, consisting of eleven small membranes of parchment united together, not much more than four inches wide, but each being two feet or more in length. This roll appears to have been written in the time of Edw. I.: it contains no statute later than the *Articuli super Cartas*, 28 Edw. I. At Cambridge several Manuscript Collections of Statutes are preserved in the Library of the University, and in Trinity College Library. In Corpus Christi or Bene't College Library are the Manuscripts bequeathed to the college by Archbishop Parker. Chartularies or Registers, preserved in several Cathedrals, contain copies of some of the old Statutes. Such are the Black Book of the Cathedral of Christ Church, Dublin, written between the years 1280 and 1299, and Register A. in Gloucester Cathedral, compiled in 1397. In Lincoln's Inn Library, are Lord Hale's Manuscript Copies of Rolls and Petitions in Parliament. In the Inner Temple Library is Mr. Petyt's Collection of Manuscripts; among which are several volumes of the Statutes. In many other public libraries also, Manuscript Collections of Statutes are preserved.(31) Of the several Manuscripts not of Record, an extensive and careful examination has been made in preparing for the present edition; and it has been ascertained that, although they differ from each other considerably in their

(31) See Appendix C, subjoined to the Introduction to *Authentic Collection of the Statutes*, in which the several Records and Manuscripts in the respective repositories are particularized.

degrees of antiquity and correctness, yet the credit of no single one is entirely to be relied on; for scarcely any Manuscript has yet been discovered, in any repository, in which there are not some material errors, perverting or altogether destroying the sense of the text. In some instances, however, such as Cott. Claud. D. II. in the British Museum, and Mm. v. 19, in the Library of the University of Cambridge, several of the Instruments contained in the Manuscripts purport to be examined by the Roll. In *Liber Horn*, in the Town Clerk's Office, London, several are marked as examined '*per Ceram*;' '*per Ceram Gildaule*;' '*per Statutum Gildaule London in Cera*;' '*cum brevi cum eisdem in Gildaule adjunct*;' all which signify that the Entry in the Book has been examined with an Exemplification of the Statute or Instrument under the Great Seal, sent to the Mayor and Sheriffs of London with or without a writ for publication thereof. The Rawlinson Manuscript, No. 337. in the Bodleian Library at Oxford and the Harleian Manuscript, No. 5022, in the British Museum, refer to the Inrolment on the Statute Roll, of several articles inserted in those volumes, but do not profess that the articles themselves were examined by that Roll.

III. On a mature consideration of all the circumstances before stated, the following Rules of Preference have been adhered to, in the use of the several sources for the text, and for various readings, of the Statutes in the present collection.

During the periods in which Statute Rolls exist, such Statute Rolls have been considered and used as the highest authority for the Statutes contained in them; namely, the Statutes 6 Edw. I. to 8 Edw. IV.; with the omission of the Statutes 9 to 23 Hen. VI. both inclusive. But for such Statutes as, during the period of the Existence of the Statute Rolls, do not appear on those Rolls, and



for Statutes made in any period of which the Statute Roll is not now in existence, namely, previous to 6 Edw. I.; after 8 and before 25 Hen. VI.; and after 8 Edw. IV.: and also for the correction of manifest errors or omissions in the text, whether taken from Statute Rolls or elsewhere, the following sources have been resorted to in regular gradation; preference being given to them, according to the following order, but all being used and collated, where necessary; viz. 1. Inrolments of Acts—2. Exemplifications and Transcripts.—3. Original Acts.—4. Rolls of Parliament.—5. Close, Patent, Fine, and Charter Rolls.—6. Entries and books of Record.—7. Books and Manuscripts not of Record.—And finally, 8. The Printed Copies; the earliest of which was not published until more than two hundred years subsequent to the present commencement of the Statute Rolls.

The following Reasons for Preference among Manuscripts not of Record have been adopted: 1. Their professing to be authentic copies from any Records, Exemplifications, or Transcripts: 2. Their age; the oldest being on the whole the most worthy of credit: 3. The uniformity and regularity of the series of Statutes and Instruments in each collection: 4. Their having been already printed, and received in use as evidence of the text of Statutes; or, if not so printed, their agreeing with the printed copies, and with each other, so that when the Manuscripts differ, the majority should prevail: 5. Certain Manuscripts have been holden to be of superior authority upon some particular subjects, having special connection with the places in which they are preserved: such as the books preserved in the Exchequer, for Statutes relating to that Court, or to Accounts, or to Money; books at the Town Clerk's Office, London, relating to the Assises of Bread and Ale, Weights, and Measures, &c.: 6. In all

Manuscripts some articles are found much more correct than others; a judgment has therefore frequently been formed from internal evidence in favour of a particular Statute or reading, although the Manuscript, in which such Statute or reading were found, might not in other instances be entitled to preference; 7. Where it has happened that several Manuscripts agreed in the text or reading of any instrument, and were so equal in their claims for preference, that it was entirely matter of indifference which should be chosen for a source of extract or quotation, that manuscript has been used which has been quoted or extracted from for other purposes, in preference to one not before quoted; and one which has already been printed from, in preference to one which has not.

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VI. OF THE MODE USED IN SEARCHING FOR, TRANSCRIBING, COLLATING, NOTING, AND PRINTING, THE TEXT OF THE STATUTES.

Immediately after the Commissioners had given their directions for proceeding upon the work, according to the plans submitted to and approved of by them, searches were made in the Tower of London, and other principal Repositories in the Metropolis, which, by the Returns made to the Committee of the House of Commons upon Public Records, appeared to contain authentic Records or ancient Copies of Statutes; and in 1806, as hath been before mentioned, every other place of the same description in England and Ireland was visited by two Sub-Commissioners. Upon these occasions, the Statute, Parliament, Close, Patent, Fine, and Charter Rolls, and other Records and Manuscripts preserved in the several Repositories, were examined: Reports of the contents of these

Records or Manuscript were from time to time laid before the Commissioners : numerous and repeated Transcripts and Collations were made, not only of the Statutes heretofore printed, but also of very many instruments considered as fit to be introduced at length, or as affording materials for Notes and various Readings. And the printed Editions, from the earliest period to the present time, were collected together, examined, and compared with each other. From the whole of these materials lists were prepared of the matters to be admitted, referring to the several Records, Manuscripts, and Books, in which they were respectively preserved or published. All the Transcripts and Collations made of these matters were compared with each other, and with the printed copies. The Transcript which, on full examination, appeared to be made from the most authentic source, was used as the copy of the text to be printed : all the other transcripts and collations of the same instrument, as also the printed editions, were then compared and collated with this copy ; and the requisite various readings noted accordingly.

The Various Readings are suggested in the following manner : First, by substituting one reading for another : in this case the word or sentence in the text of which an alteration is suggested, is included between two crotchets, with a figure of reference to the note ; and in the note is inserted the word or sentence proposed to be substituted, with a quotation of the Record or Manuscript or printed copies in which it is found. Secondly, By inserting some word or sentence omitted : in this case a reference is included within a parenthesis, and the word or sentence to be inserted is supplied in the note. Thirdly, By noting the omission, in other copies, of a word or sentence inserted in the text : in this case the word or sentence in the text is included between crotchets, with a reference, and in the

note the copies which omit such word or sentence are particularized.

The entries on the Statute Rolls and Records of Chancery are very seldom broken into separate paragraphs: though other Manuscripts are more frequently so divided. In all cases where there is any division of paragraphs in the Record or Manuscript, the like division has been made in the Transcript. The Transcript has been also occasionally divided into separate chapters or paragraphs, in conformity with the printed editions of the Statutes, and for the convenience of reference, in places where such division did not occur in the Record or Manuscript: but this has been done only when a full stop or other mark in the Manuscript appeared to justify the complete separation of the sentences. The points or stops are conformable to those in the Record: and in printing the text of the ancient Statutes, the same mode has been adopted as with respect to the Charters, of exhibiting the contractions as near as may be to the likeness of the original characters. Where the Chapters or Clauses are numbered in the Record or Manuscript, such number has been inserted in the transcript. And the numbers of the Chapters and Clauses in Cay's edition, or the other printed editions, from which the translation is taken, are inserted at the head of the side-note, or abridgment affixed to the translation.

In this state the copy was sent to the Printer. The proof-sheets supplied by him were in the first instance compared with the Manuscript Transcripts. These proofs being corrected, they were next compared with the original Record, or Manuscript authority from which such transcripts were made. In cases of Various Readings, the whole article, as printed, was also read and compared with the Record or Manuscripts from whence the various

readings were suggested; and further suggestions as to notes of various Readings and Amendments were adopted as they continued to occur. The sheets thus corrected were again compared with the Record or Manuscript Authority, and the necessary corrections marked thereon; which being made by the printer, the sheets were revised and occasionally submitted to the Commissioners, under whose directions many amendments were made; and the sheets were then finally printed off for the work, as they now appear.

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## VII. OF THE ORIGINAL LANGUAGE OF THE CHARTERS AND STATUTES.

The language of the Charters and Statutes, from the period of the earliest Charter now given, 1 Henry I. to the beginning of the reign of Henry VII. is Latin or French. From that time it has been uniformly English. The Petitions or Bills, on which the Statutes were founded, began to be generally in English early in the reign of Hen. VI.

All the Charters of Liberties and of the Forest, from 1 Hen. I. to 29 Edw. I. (with the exception after mentioned,) are in Latin; but translations of some of them into French are found in various collections. In *D'Achery's Spicilegium*(1) there is a French translation, as it is called by Blackstone, of the Charter of King John; for it is doubtful whether that Charter was ever promulgated in French in this kingdom. Some early Manuscripts(2) contain French translations of the two Charters of 9 Hen. III. and of the Charters of *Inspeaximus* and Confirmation in 25 and 28 Edward I. though these latter appear on the Statute and Charter Rolls in Latin. The Charter dated

(1) XII. 593, of the first edition; III. 579, of the Paris edition, 1723.

(2) MS. Harl. No. 5326, and others.

5 Nov. 25 Edw. I.(3) is in French; as is also the duplicate of that Charter dated 10 Oct. and entered on the Statute Roll 25 Edw. I.(4) The Statutes of Henry III. are almost entirely in Latin. Some Legislative Matters, not in the Printed Collections, are entered on the Patent Rolls in French.(5) The Statutes of Edward I. are indiscriminately in Latin or French; though the former language is most prevalent. But the Statute of Gloucester, 6 Edward I. which on the Statute Roll is in French, appears in many contemporary Manuscripts in Latin. In several Manuscripts, particularly Register A. in the Chapter House at Westminster, this Statute is given at length both in Latin and French. On the other hand, the Statute of Westminster the Second 13 Edw. I. which is in Latin on the Roll, appears in many manuscripts in French; and Chapter 34 of this latter Statute, as to Violence against Women, which on the Roll appears in French, is given, like the rest of the Statute, in Latin in several manuscripts.(6) The French Chapter 49, as to Champerty by Justices, is omitted in the Tower Roll, and in many other copies which give the Statutes in Latin, but is found in the copies which give the Statute in French.(7) The Statutes of Edward II. are, like those of Edward I. indiscriminately in Latin or French; but the latter language prevails more than in the Statutes of Edward I. The Statutes of Edward III. are more generally in French than those of

(3) See p. 37 of the Charters preceding the Statutes in *Authentic Collection*, vol. i.

(4) See p. 123 of *Authentic Collection of the Statutes*, vol. i.

(5) See *Rot. Pat.* 43 Hen. III. m. 10; 48 Hen. III. m. 2 d; 53 Hen. III. m. 25 d.

(6) *Lib. Custum.* London; MSS. Harl. No. 79, 3824; MS. Reg. 20 A. VIII. in Mus. Brit.

(7) See Note at the end of Stat. Westm. 2, p. 95, of *Authentic Collection of the Statutes*, vol. i.

any preceding King; yet some few are in Latin. The Statutes of Richard II. are almost universally in French; those of the sixth and eighth years are in Latin. The Statutes of Henry IV. with the exception of Chapter 15 of the Statute 2 Hen. IV. which is in Latin, are entirely in French; as are those of Henry V. with the exception of the short Statutes 5 and 7 Henry V. which appear in Latin.

The earliest instance recorded of the use of the English language in any parliamentary proceeding, is in 36 Edw. III. The style of the Roll of that year is in French as usual, but it is expressly stated that the causes of summoning the Parliament were declared *en Englois*; (8) and the like circumstance is noted in 37 and 38 Edw. III. (9) In the fifth year of Richard II. (10) the Chancellor is stated to have made *un bone collacion en Engleys*, (introductory, as was then sometimes the usage, to the commencement of business,) though he made use of the common French form for opening the Parliament. A petition from the "Folk of the Mercerye of London," in the 10th year of the same reign, (11) is in English; and it appears also, that in the 17th year (12) the Earl of Arundel asked pardon of the Duke of Lancaster by the award of the King and Lords, in their presence in parliament, in a form of English words. The cession and renunciation of the crown by Richard II. is stated to have been read before the estates of the realm and the people in Westminster Hall, first in Latin and afterwards in English, but it is entered on the Parliament Roll only in Latin. (13) And the challenge of the crown by

(8) *Rot. Parl.* 36 Edw. III. m. 1. In this year was made the Statute (36 Edw. III. c. 15) that all pleadings in the Courts shall be in English.

(9) *Rot. Parl.* 37 Edw. III. nu. 1; 38 Edw. III. nu. 1.

(10) *Rot. Parl.* 5 Ric. II. nu. 1, 2.

(11) *Petitiones in Parl.* 10 Ric. II. in Turr. Lond.

(12) *Rot. Parl.* 17 Ric. II. nu. 11. (13) *Rot. Parl.* 1 Hen. IV. nu. 14.

Henry IV. with his thanks after the allowance of his title, in the same assembly, are recorded in English; which is termed his maternal tongue.(14) So also is the speech of Sir William Thirnyng, the Chief Justice of the Common Pleas, to the late King Richard, announcing to him the sentence of his deposition, and the yielding up, on the part of the people, of their fealty and allegiance. In the sixth year of the reign of Henry IV.(15) an English answer is given to a petition of the Commons, touching a proposed Resumption of certain Grants of the Crown, to the intent the King might the better live of his own. The English language afterwards appears occasionally, through the reigns of Henry IV. and Henry V.(16) In the first and second, and subsequent years of Hen. VI. the Petitions or Bills, and in many cases the Answers also, on which the Statutes were afterwards framed, are found frequently in English; but the Statutes are entered on the Roll in French or Latin. From the 23d year of Hen. VI. these Petitions or Bills are almost universally in English, as is also sometimes the form of the Royal Assent: but the Statute continued to be inrolled in French or Latin.(17) Sometimes Latin and French are used in the same Statute, as in 8 Hen. VI.; 27 Hen. VI.; and 39 Hen. VI. The last Statute wholly in Latin on Record is 33 Hen. VI.; the last Portion of any Statute in Latin on Record is 39 Hen. VI., Chapter 2. The Statutes of Edward IV. are entirely in French. The Statutes of Richard III. are in many Manu-

(14) *Rot. Parl.* 1 Hen. IV. nu. 53. 56.

(15) *Rot. Parl.* 6 Hen. IV. nu. 20.

(16) See particularly *Rot. Parl.* 2 Hen. V. nu. 22.

(17) See Stat. 18 Hen. VI. c. 18, 19, as to Soldiers, and compare those chapters with the Petitions in the Parliament Roll of that year, nu. 62, 63, and with the Writ of Proclamation upon the Close Roll, 18 Hen. VI. m. 3 d. The Statute is in French, but the Petition is in English, and is accordingly so recited in the Proclamation Writ.



scripts in French in a complete Statute form; and they were so printed in his reign and that of his successor. In the earlier English editions a translation was inserted, in the same form: but in several editions, since 1618, they have been printed in English, in a different form, agreeing, so far as relates to the Acts printed, with the Inrolment in Chancery at the Chapel of the Rolls. The petitions and bills in parliament, during these two reigns, are all in English. The Statutes of Hen. VII. have always, it is believed, been published in English; but there are Manuscripts containing the Statutes of the first two parliaments, in his first and third year, in French.(18) From the fourth year to the end of his reign, and from thence to the present time, they are universally in English.

Attempts have been made by many learned persons to explain this variety of languages in the earlier periods of our legislation; and some have referred the preference of the one language or of the other to the operation of particular causes.(19) Nothing, however, is known with certainty on this subject; and at the present day it is utterly impossible to account, in each instance, for the appearance

(18) Petyt Manuscript, nu. 8, in the Inner Temple Library; and MS. Hatton 10, No. 4135, in the Bodleian Library. The first of these ends with the Statutes of 3 Hen. VII. in French, apparently as from some Statute Roll, or copy thereof. In the latter, which ends with 11 Hen. VII. the Statutes of the third year are in French; but those of the fourth and all the following years are in English. The old printed editions of the Statutes 1 & 3 Hen. VII., in English, appear to be taken entirely from a Statute Roll; while in the modern editions some parts of the Statutes are manifestly taken from the original Acts, or from a Parliament Roll or Inrolment in Chancery.

(19) See 2 *Inst.* 485, as to the two chapters of Stat. Westm. 2, which are in French, although the body of the Statute is in Latin. Barrington, in his comments on the *Statutum de Scaccario*, remarks, that when the interests of the clergy are particularly concerned, the Statute is in Latin; but, on examination, the correctness of this remark may be doubted. See also *N. Bacon's Treatise on Government*, part i. cap. 56, (p. 101, 4to. edit. 1760).

of the Statute in French or in Latin. It seems on the whole to be highly probable, that for a long period of time, Charters, Statutes, and other Public Instruments, were drawn up indiscriminately in French or Latin, and generally translated from one of those languages into the other,(20) before the promulgation of them, which in many instances appears to have been made at the same time in both languages.(21) It is matter of curiosity to observe that the use of the French language in Statutes was preserved rather longer in Ireland than in England. The Statute Roll of the Irish parliament 8 Henry VII. preserved at the Rolls Office in Dublin, is in French; on the Statute Roll of the two next Parliaments of Ireland, 16 and 23 Hen. VII. the introductory paragraphs, stating the holding of the parliament, &c. are in Latin; after which follows an Act or Chapter in French, confirming the liberties of the Church and the Land: and all the other Acts of the Session are in English.

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#### VIII. OF THE TRANSLATION IN THE AUTHENTIC COLLECTION OF THE STATUTES.

The printed translation of the Statutes previous to Hen. VII. used for the present work, is that of Cay's edition, 1751; but as many Statutes and parts of Statutes are omitted from the English of that edition, the deficiencies have been supplied from the edition by Hawkins, 1735; the folio edition, 1618, usually called Rastall's; Pulton's edition of the same year; Rastall's collection in English,

(20) See *Luders's Essay on the Use of the French Language in our Ancient Laws and Acts of State*, Tract VI., 1810, where it is suggested that many of the Latin Statutes were first made in French, and from thence translated into Latin.

(21) See the Entries of Stat. Glouc. 6 Edw. I. in Register A. preserved in the Chapter House, Westminster, before mentioned in p. 188.

1603; and in some few instances from earlier English collections, and other authorities.(1) Of Statutes and Instruments, or parts thereof, not heretofore translated, and of such only, translation has been now made, which is always distinguished by being printed in a smaller type. In making this new translation, the following rules have been generally adhered to: to render the original as literally as possible, consistently with the purpose of conveying the sense in English: and to translate the same word the same way, if the sense be the same. Former translators of the Statutes having very much conformed to the genius of the English language in their versions, and not servilely fallen into Latin or French expressions or forms of speech, an endeavour has been made to adopt language of a cast corresponding with those versions.

In the Bodleian Library, Rawlinson Manuscript, No. 230, is a very ancient translation of some of the Statutes of the time of Hen. III. and Edw. I. There is reason to think, that this translation is of a time certainly not later than Edward III. and probably of an earlier period; it does not contain any Statute later than 25 Edward I. In the British Museum, Harleian Manuscript, No. 4999, is a translation of the Statutes 1 Edward III. to 18 Hen. VI. made apparently in the time of Hen. VI. or Edward IV.

For the purpose of correcting errors in the translation, the several editions as well of the text as of the translation, have been compared with each other; and much use has also been made of the two Manuscript translations just noticed, which are cited thus, the Rawlinson Manuscript as MS. Tr. 1. and the Harleian Manuscript as MS. Tr. 2. After the commencement of the reign of Henry VI. the Petitions or Bills entered in English on the Par-

(1) The Translation of the Customs of Kent, Statutes of uncertain date, p. 223 of the *Authentic Collection of the Statutes*, is taken from *Lambard's Perambulation of Kent*.

liament Roll, from whence the Statute was drawn up in French or Latin, have been consulted. Corrections of errors in the translation, which arise from Misinterpretation or Omission, are suggested either from other translations, or, where no other translation supplies a probable correction, by new expressions. Errors or inconsistencies, which arise from the insertion of words or sentences not authorized by the text as given in the present work, are noticed, either by a reference to Records or manuscript authorities, or to ancient printed copies of the Latin or French text, as authorizing such insertion, or by a proposed omission of the words so inserted, in consequence of their not being justified by any authority. Trifling variances between the text and the translation, manifestly not affecting the sense, have not been considered worthy of notice, particularly where all former translations agree in the same reading. But as it was difficult, not to say impossible, to lay down any certain standard on this latter head, a consistency entirely perfect may not have been uniformly observed, and is not to be expected.

The notes and marks suggesting the corrections in the translation, are to be thus understood: First, Words which are included between crotchets, without any note of reference, are such as are contained in all translations, and are authorized by printed copies of the Latin or French text; though not authorized by the text, or by any various reading here given from manuscript Records or authorities. Secondly, Words in the translation included between crotchets, with a figure, refer to a correction thereof, suggested in the note; such correction, if authorized by any printed or manuscript translation, is printed in the note in Roman letter; but if not so authorized, then such correction is printed in Italic letter; if the correction be justified by the Rolls of Parliament or old manuscript translations

they are quoted. Thirdly, A Reference within a parenthesis between two words, suggests an omission, which is supplied in the notes, in Roman or Italic character, according as it is or is not authorized, as before specified. Fourthly, Where any words in the translation are inclosed between crotchets, with reference to the note "Not in Original," it is to be understood, that neither the text, as now given from the Record or Manuscript, nor any printed copy, appears to authorize the insertion of the words. The term "Old Translations" is applied to all published previous to the year 1618; in which year the editions distinguished as Rastall's and Pulton's Statutes were both published: the edition called Rastall's, however, having followed the current of several former editions of the Statutes, is included in the term "old" translations; and Pulton's translation being in many parts new, and having been generally adopted by Cay and subsequent editors, is therefore included in the term "modern."

Short Abstracts or side-notes have been prepared, as well to the matters heretofore translated, as to those of which a translation is now for the first time given in this publication; of those relating to matters heretofore translated, some have been taken from Cay's or former English editions of the Statutes; and like abstracts are added to the acts subsequent to the reign of Hen. VII.

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#### IX. OF THE COLLECTIONS OF THE STATUTES OF SCOTLAND AND IRELAND, HERETOFORE PUBLISHED BY ROYAL OR PARLIAMENTARY AUTHORITY.

Although no general Collection of the Statutes of England, or of Great Britain, has been hitherto published by authority of the Crown or of the Parliament, it appears

that measures were carefully taken in former times for collecting and authenticating the Legislative Acts, both of the Scottish and Irish Parliaments.

In Scotland, by royal commission from Queen Mary, dated 1 May, 1566, directed to the chancellor, principal officers of state, and other persons therein named, it was ordained that all the laws of that realm should be inspected and corrected, so that no other but those should be printed by royal privilege, or have place, faith, or authority in Courts of Justice: and by the same commission it was provided, that the proceedings under it should be ratified in the next Parliament. From the difficulties of the Undertaking, the compilation of the Laws prior to James I. was postponed; and the only part of the work executed was a Collection of Acts from the return of James I. in 1424, to the last parliament of Queen Mary in 1564. This Collection was first published in the year 1566. It comprehended a publication of certain Statutes of James V. printed in 1541, and of Queen Mary printed in 1565, to each of which the lord clerk register, at the time, had subjoined his certificate, vouching for the truth of the copies extracted from the books of Parliament. These certificates were retained in this edition of 1566, and to the other parts of it similar certificates were subjoined.<sup>(1)</sup> Other publications were afterwards made by authority; such were those of James VI. 1568 and 1579, and several others prior in date to 1597; but they related only to particular Parliaments or particular sorts of Acts; and with these concludes that series of printed Scottish Acts, which, from their typographical character, have in late times been usually denominated the *Black Acts*. In 1592 a parliamentary commission was issued "For visiting

(1) For the Title of this Work, the Privilege, Royal Commission, Preface, and Certificates of Authenticity, see Appendix G; I. 1, subjoined to the Introduction to *Authentic Collection of the Statutes*.

and causing of the Lawes and Actis of parliament to be prented,"(2) which appears to have led in the first instance to the republication of the Scottish Statutes from the æra of James I. to 1597, in the volumes which usually bear the name of Skene's edition, Sir John Skene being at that time lord clerk register. But under the same commission, Sir John Skene appears also to have proceeded to the more arduous task of collecting the ancient Laws of Scotland prior to James I.: and in 1607 he had advanced so far in this undertaking as to exhibit to the legislature a copy of the Manuscripts which he had prepared for publication, and for his encouragement therein a special Act was passed.(3) The work, usually known by the title of *Regiam Majestatem*, was at length published, in the original Latin, in 1609; and was followed soon after by a version in the Scottish language. Other commissions for "Surveying the Lawes" were issued at subsequent periods. The commission of 1628, after several renewals, was ratified by Parliament in 1633; and in 1681 another was issued, which was again renewed in 1695. But the purpose intended was never accomplished. Upon all these editions, from the earliest downwards, it is to be observed that they contain only a selection, from the Records of Parliament, of such Acts as were supposed by the editors to be of greater and more permanent utility; omitting such as were either temporary, or merely of a private and personal nature.(4)

(2) See a Copy of this Commission in Appendix G; I. 2, subjoined to the Introduction to *Authentic Collection of the Statutes*.

(3) See the Act in Appendix G; I. 3, subjoined to the Introduction to *Authentic Collection of the Statutes*.

(4) From the period of Skene's publication, in 1597, down to the Union, the Acts of each Parliament and Session were regularly printed and published under the authority of the Clerk Register; and under that authority, but without any special sanction by Parliament, Sir Thomas Murray published his edition

The Statutes of Ireland from 10 Hen. VI. to 14 Eliz. were collected under the authority of Sir Henry Sidney, Lord Deputy of that kingdom in the reign of Queen Elizabeth;<sup>(5)</sup> and being examined by the Justices of both the benches, with the Chief Baron of the Exchequer and Master of the Rolls, and delivered by them to the Lord Deputy with their hands subscribed thereto, they were afterwards, by the advice of Lord Burleigh, then Lord High Treasurer of England, printed in the year 1572.<sup>(6)</sup> At a subsequent period, namely, in 1621, another collection of the Statutes of Ireland from 3 Edw. II. to 13 Jac. I. was abstracted from the Parliament Rolls of that kingdom by Sir Richard Bolton, Recorder of Dublin, afterwards Chief Baron of the Exchequer, and in 1639 Lord Chancellor of Ireland; and by direction of Sir Oliver St. John, then Lord Deputy, that collection was perused by the chief Judges and the Master of the Rolls, and by them allowed and thought fit to be printed, together with so many of the Statutes formerly printed, as were not by express words repealed. And it is deserving of observation that they thought those Statutes formerly printed and not expressly repealed should be printed again for two reasons, as therein is stated; "the one, lest peradventure any should unadvisedly tax the editor of partiality, that matters of great moment were omitted, and matters of less consequence published; and the other was, that although those Statutes might be out of use or

of the Statutes in 1681, annexing to it his Official Certificate of Authority; but his Text appears to be taken only from the edition by Skene, and the subsequent Sessional Publications.

(5) See *Sir James Ware's Account of the Writers of Ireland*, as translated and enlarged by Harria, book ii. chap. 5. See also *Zouch's Life of Sir Philip Sidney*, chap. 1.

(6) For the Title and Extract from the Preface to this Edition, see Appendix G; II. 1, subjoined to the Introduction to *Authentic Collection of the Statutes*.



determined at that day, yet the same might well serve for an historical use, whereby might be discerned both the state of the church and commonwealth in those times.”(7) In 1678 the edition of 1621 was reprinted by the King’s printer, with the addition of the subsequent Acts to the end of the session 17 and 18 Car. II.; and this volume was reprinted in 1723 without any additions. In 1762 an address was presented by the House of Lords in Ireland to the Lord Lieutenant, requesting that the Statutes at large of that kingdom should be printed and published, under the inspection of the Lord Chancellor and the Judges.(8) They were accordingly published in the year 1765, in seven volumes folio, comprehending the Statutes from 3 Edw. II. to 1 Geo. III.: with an eighth volume containing tables of the titles of the Statutes in the several volumes and of the Private Acts from 1 Henry VIII. to 1 Geo. III. and an alphabetical index to the Statutes. In these volumes, which in the title-page are stated to be “Published by authority,” the Statutes to the 17 and 18 Car. II. were reprinted from the editions of 1621, 1678, and 1723; the edition of 1572 not being noticed or referred to. For the period subsequent to 17 and 18 Car. II. recourse was had to the sessional publications printed by the king’s printers. The whole work was compiled from these sources without variation; except that in some instances errors of the press were occasionally corrected by the Record; and that some Public Acts, of which the titles only were specified in the former printed editions, were inserted at large from the Records.(9) Some Acts inserted in the edition of 1572 are omitted from this col-

(7) See Appendix G; II. 2, subjoined to the Introduction to *Authentic Collection of the Statutes*.

(8) See the Extract from the *Lords’ Journals* in Appendix G; II. 3, subjoined to the Introduction to *Authentic Collection of the Statutes*.

(9) See Preface to this Edition in Appendix G; II. 4, subjoined to the Introduction to *Authentic Collection of the Statutes*.

lection. Additional volumes, containing the Acts of subsequent Parliaments, were from time to time published, in consequence of occasional addresses of the House of Lords for that purpose: and in 1786 a re-publication of all the former volumes took place, with additional volumes to 26 Geo. III. These were continued by subsequent volumes to the end of 40 Geo. III. A. D. 1800, when the union took place between Great Britain and Ireland.(10) In 1799 a volume was published containing the titles of the Statutes and of the Private Acts and Indexes to the end of the session 38 Geo. III. 1798.

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#### X. OF THE METHODS SUCCESSIVELY ADOPTED FOR PROMULGATING THE STATUTES, BEFORE AND SINCE THE UNION OF GREAT BRITAIN AND IRELAND.

The promulgation of the Statutes, which formerly took place within the Realm of England, as well as in Scotland and Ireland, has been wholly superseded by the practice of modern times. Before the introduction of printing, the publication of the Statutes of England was made by means of exemplifications thereof, sent to the sheriffs, under the great seal, out of Chancery, with Writs annexed, requiring the proclamation and publication of the same by them,(1) and sometimes also directing Copies to be

(10) See *Journals of the House of Lords in Ireland*, 20 February, 1768, vol. iv. p. 450; 15 February, 1780, v. 156; 14 May, 1784, v. 531; 1 February, 1786, v. 668; 25 May, 1789, vi. 313; 26 March, 1792, vii. 67; 25 March, 1794, vii. 253; 15 April, 1796, vii. 465; 17 Sept. 1798, viii. 181; 22 July, 1800, viii. 535. See also as to printing, in Ireland, the English and British Statutes in force there, the same Journals, 10 April, 1786, v. 748.

(1) See 4 *Inst.* 26, 28; the Case of Heresy, 12 *Rep.* 58; 2 *Inst.* 526; 3 *Inst.* 41; *Hale on Part.* 36; *Arg. 1 Ch. Rep.* 51. 53. Copies of Parliamentary Proceedings, or Acts of State, though not Statutes, were occasionally proclaimed and published. See the Roll of the Ordinances of the Staple 27 Edw. III.

made and distributed, and the sheriffs to return what was done by them thereupon. The earliest Statutes were published in this manner, as appears not only by copies of the Writs subjoined to the Records and Manuscripts of the respective Statutes, of the thirteenth century, but also by Original Writs still preserved in the Tower of London.(2)

In England, printed promulgations of the Statutes, in the form of sessional publications,(3) began in the first year of Ric. III. A. D. 1484, very recently after the introduction of printing; and in consequence thereof such exemplifications and writs as are above mentioned were soon altogether discontinued;(4) yet the Statutes themselves continued nevertheless to be inrolled in Chancery; and some of the earliest sessional publications appear by their form to have been printed from a Statute Roll. All the original Bills and Acts now extant in the Parliament Office, are some years subsequent in date to the commencement of the printed sessional publications of the Statutes; and it is evident, from some of those printed sessional pub-

and the Note in p. 332 of *Authentic Collection of the Statutes*, vol. i. Sometimes the knights, citizens and burgesses were simply charged upon their return into the country to show and publish to the people the matters agreed on in Parliament.—*Rot. Parl.* 37 Edw. III. nu. 38. Sometimes copies were delivered to them of such matters *pur ent notifier en son pays*.—*Rot. Parl.* 9 Hen. IV. nu. 27.

(2) See Stat. Merton, 20 Hen. III. A.D. 1235-6, and the notes thereto, p. 1—4 of *Authentic Collection of the Statutes*, vol. i.; Stat. Marlbr. 52 Hen. III. A.D. 1267, and the note in p. 25; Stat. Westm. 1, 3 Edw. I. A.D. 1275, and the notes in p. 39; *Statutum de Finibus levatis*, 27 Edw. I. A.D. 1299, p. 126—130; and numerous subsequent instances. See also Appendix C. and Appendix H; I. subjoined to the Introduction to *Authentic Collection of the Statutes*.

(3) See Catalogue of the Sessional Publications, in Appendix B, subjoined to the Introduction to *Authentic Collection of the Statutes*.

(4) The last Proclamation Writ entered on the Statute Rolls, is at the end of Stat. 7 Hen. V. A. D. 1419: Lord Coke, 2 *Inst.* 526, says the Writ continued to issue till the reign of Henry VII. In the printed editions of the Statutes, a Proclamation Writ is prefixed to the Statutes of 19 Hen. VII.

lications, in the time of Hen. VII. whereof the contemporary Bills and Acts are still preserved, that such Bills and Acts, though concurrent in time, were not then uniformly used as the original text for such publications. The sessional publications are at present, and have for a long series of years, been printed entirely from original Acts in the Parliament Office.(5)

In Scotland, it was the exclusive privilege and official duty of the Lord Clerk Register to enter the Acts of Parliament in the proper Record, and to give authentic copies of them to the Sheriffs, Magistrates of Boroughs, and such as might demand them. A precept is extant for proclaiming and publishing the Statutes of Robert I. in the year 1318: and there exists also a Parliamentary Ordinance, made in the reign of David II. 1366, by which the Acts of that Parliament are directed to be sent, under royal seal, to each Sheriff, to be by him publicly proclaimed.(6) The earliest printed publication of the Statutes in Scotland took place in the year 1540-1.

In Ireland, the promulgation of such Statutes as were passed in England, and transmitted to Ireland, was regularly made by means of a transcript sent under seal from England, with a Writ directed to the Chancellor of Ireland, requiring the same to be kept in the Chancery of that kingdom, to be inrolled in the Rolls of the said Chancery, then to be exemplified under the Great Seal of Ireland, and sent unto and proclaimed in the several courts

(5) See *Commons' Journals*, vol. viii. 11th January, 1661-2, when it was resolved that a Message should be sent to the Lords, requesting "that the original Rolls of Acts of Parliament be kept in the office, and not delivered to the printer, but that true copies be delivered to him from the Roll, fairly written, and carefully examined and attested."

(6) For Acts relating to the Promulgation of the Statutes in Scotland, see Appendix H; II. subjoined to the Introduction to *Authentic Collection of the Statutes*.

and counties throughout the kingdom.(7) Sometimes the Writ was to the Justices in Ireland, simply requiring proclamation.(8) With respect to the Statutes made in Ireland, provisions are contained in several Acts for the special proclamation of such Acts, so that the penalties inflicted by them should not be incurred until after such proclamation.(9) It appears also that it was usual to proclaim the Statutes in general by the King's Writ, made out by the Clerk of the Parliament.(10) Sessional publications of the Acts did not take place in Ireland before the reign of Charles I.; and such publications were not continued regularly and uniformly until after the Revolution.(11)

In Great Britain, the public inconvenience experienced from the defective promulgation of the Statutes, led to the adoption of new measures in the year 1796, by which the Acts printed by the [King's printer, whose authority has long been deemed sufficient to entitle his printed copies to be received in evidence in all Courts of Law,(12)

(7) See the Memoranda and Writs annexed to the English Statutes 12 Edw. II., *Rot. Stat.* m. 32, p. 179 of *Authentic Collection of the Statutes*, vol. i.

(8) See the Memoranda at the end of several Statutes; 1, 2, 4, 5 Edw. III. p. 257. 261. 265 and 269 of *Authentic Collection of the Statutes*, vol. i.; 25 Edw. III. p. 324; 36 Edw. III. p. 378. As to the more antient Statutes sent to Ireland, see *Rot. Claus.* 13 Edw. I. m. 6 d, quoted *ante*, p. 179, note (29).

(9) See Irish Acts 12 Edw. IV. c. 2; 14 Hen. VII. c. 1; 28 Hen. VIII. c. 2, § 4, (for the succession of the King and Queen Anne, the clause for proclamation of which is copied from the English Act 25 Hen. VIII. c. 22); 33 Hen. VIII. c. 1, § 2, (enacting that the King and his successors, Kings of England, should be always Kings of Ireland); 14 & 15 Car. II. c. 18, § 12.

(10) See Irish Acts 12 Edw. IV. c. 2; 11 Eliz. stat. 4, c. 1, § 10.

(11) See the Preface to the edition of the Irish Acts published by Authority, in Appendix G; II. 4, subjoined to the Introduction to *Authentic Collection of the Statutes*.

(12) By Stat. 41 Geo. III. (U. K.), c. 90, § 9, it is expressly provided, that the copy of the Statutes of England and Great Britain printed by the King's printer, shall be evidence in Ireland, and that the copy of the Statutes in Ireland, printed by the King's printer, shall be evidence in Great Britain of the Statutes respectively passed previous to the Union between Great Britain and Ireland.

were distributed throughout the kingdom as speedily as possible after they had received the royal assent:(13) and the experience of the good effects of those measures led soon afterwards to their execution in a much greater extent.

After the union of Great Britain and Ireland, a select Committee of the House of Commons was appointed in the first session of the United Parliament, to consider of the most effectual means of promulgating the Statutes of the United Kingdom; upon whose Report resolutions for that purpose were adopted by the Commons, and having been agreed to by the Lords, they were presented to his Majesty by a joint address of both Houses; and his Majesty was thereupon pleased to give directions accordingly.(14) By the tenor of these resolutions, his Majesty's printer was authorized and directed to print not less than five thousand five hundred copies of every Public General Act, and three hundred copies of such Local and Personal Acts as were printed;(15) the Public General Acts to be transmitted, as soon as possible after each Bill should receive the royal assent, to the members of both Houses of Parliament, the great Officers and Departments of State, Public Libraries, Courts of Justice, Sheriffs, Municipal Magistrates, and Resident acting Justices of the Peace, throughout Great Britain and Ireland, according to a prescribed mode of distribution; with a direction that every Chief Magistrate and Head Officer of every City, Borough, or Town Corporate, in England and Ireland, and of every Royal Burgh in Scotland, and every Sheriff, Clerk of the Peace, and Town Clerk in the United

(13) See *Commons' Journals*, vol. lii. 2 Nov. 5 Dec. 1796; 10, 17, 20, 27 March; 3, 27 April; 2 June, 1797.

(14) See *Commons' Journals*, vol. lvi. 26 February; 28 April; 6, 7, 8 May; 3, 5, 8, 9 June, 1801.

(15) See the end of note (12), *ante*, p. 170—173.

Kingdom, receiving such Copies, should preserve them for the public use, and transmit them to his successor in office: and this mode of authenticating and promulgating the Statutes is now carried into execution throughout every part of the United Kingdom.

[The Contents of the Appendix to the Introduction to the Authentic Collection of the Statutes are as follows:]

- A. Catalogue of Printed Collections, Translations and Abridgements of the Statutes of England and Great Britain.
- B. List of Printed Sessional Publications of the Statutes of England.
- C. List of Originals, Records, and Manuscript Copies of the Great Charters and of the Statutes; specifying the several Repositories wherein they are preserved.
- D. Explanation of the Contractions used in printing the Records and Manuscripts copied in the Collection of the Statutes.
- E. { I. Instances illustrative of the Nature of the Parliament Rolls; and of the Method of Certifying Statutes into Chancery, in England and Ireland.  
II. Instances of Exemplifications of Statutes from Chancery.
- F. Observations on the Original Instruments in the Parliament Office at Westminster, as compared with the Journals of the House of Lords and the Inrolments in Chancery, temp. Hen. VII. to 1 Car. I.
- G. { Matters relating to Collections of Statutes, published by Royal or Parliamentary Authority: I. In Scotland.  
II. In Ireland.
- H. { Instances illustrative of the Method of Promulgating Statutes: I. In England. II. In Scotland.

[There are short Prefaces to the succeeding volumes of the *Authentic Collection of the Statutes*. The last two volumes contain the Indexes.](16)

(16) [It may be imagined that Commissions, of which Lord Colchester was during so many years an active member, did not fail to perceive the expediency

of revising and consolidating our Statute Law. In 1806 it was resolved, that Francis Hargrave, Esquire, one of his Majesty's Counsel learned in the Law, should be requested to consider and report to the Board his opinion upon several points, amongst which were the two following :

“ The best method of reducing the Statute Law into a smaller compass and more systematic form, and of revising and amending the same, in the whole, or in part ; repealing what is obsolete and consolidating what consists of needless repetition ; specifying the General Heads of the Statute Law most necessary to be dealt with in either way.”

“ The best method of rendering the style of our future Statutes more correct, concise, and uniform in their forms of expression, and at the same time more perspicuous in the arrangement of their enactments and provisions ; with a Statement of such practical rules as appear to be most effectual for this purpose.”

Mr. Hargrave does not appear to have made any Report. See *ante*, pp. 139—144.]





## CHAP. VII.

### THE EXON DOMESDAY—THE INQUISITIO ELIENSIS—THE WINTON DOMESDAY—AND THE BOLDON BOOK.

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[*From the Introduction to the Supplementary Records of Domesday.*]

THE Records supplementary to Domesday(1) compose one volume; they are, I. THE EXON DOMESDAY; II. IN-

(1) [In 1767, in consequence of an Address of the House of Lords, his Majesty George III. gave directions for the publication, among other Records, of the Domesday Survey. In the following year specimens, one executed with types, the other by engraving, were submitted, by command of the Lords of the Treasury, to the President and Council of the Society of Antiquaries, for their opinion; and an engraved copy of the work appears to have been at first considered as the most proper and advisable. At the close, however, of 1768, the fairest and most perfect letter having been selected from different parts of the Survey, a resolution was taken to print it with metal types. A fac-simile type, uniform and regular, with tolerable exactness, though not with all the corresponding nicety of the original, was at last obtained, and the publication was entrusted to Mr. Abraham Farley, a gentleman of learning as well as of great experience in Records, and who had had almost daily recourse to the book for more than forty years. It was not however till after 1770 that the work was actually commenced. It was completed early in 1783, having been ten years in passing through the press. The type with which it was executed was destroyed in the fire which consumed Mr. Nichols's printing-office, in the month of February, 1808.]

[The late Right Honourable George Rose has given the following account of the publication of *Domesday* :—"It was at first proposed, by the late Dr. Morton, that the impression should be by fac-simile types, under his care; but it was made evident that an endeavour to effect a resemblance to the original by types was not practicable, on account of the letters varying perpetually in their size and shape; consequently, that an attempt of that sort would tend only to mislead. Dr. Morton's plan was therefore abandoned,

QUISITIO ELIENSIS; III. THE WINTON DOMESDAY; and  
IV. THE BOLDON BOOK.

I. The EXON DOMESDAY, the original of which is preserved among the Muniments and Charters belonging to the Dean and Chapter of Exeter Cathedral, is the first in point of time. Its main body presents a description of the western parts of the kingdom, comprising the counties of Wilts, Dorset, Somerset, Devon, and Cornwall; and it is supposed, so far as it extends, to contain an exact transcript of the original Rolls or Returns made by the Conqueror's Commissioners at the time of forming the general survey, from which the Great Domesday itself was compiled. It is written on vellum, in the form of a book of the small folio size, containing five hundred and thirty-two double pages. The skins, or sheets of vellum, of which it is composed, vary in the number of leaves from one to twenty; the lands of each of the more considerable tenants beginning a new sheet, and those of almost every tenant a new page. The lands in the counties of Devon, Somerset and Cornwall belonging to one tenant are classed together; the counties following each other, though not

and the publication was entrusted to Mr. Farley, a gentleman of learning, as well as of great experience in Records, and who had almost daily recourse to the book for more than forty years. The uncommon correctness with which it is printed proves how justly confidence was placed in the ability and accuracy of the editor. His skill, however, in reading and explaining Records, did not induce him to depart in a single instance from the original, even where he found an apparent error. He made the copy for the press with the same fidelity he would have copied any extract from the book to be produced in a court of justice, preserving every interlineation and contraction, that he might put it out of his hands as a faithful transcript of the Survey."—See *Appendix to First Report of the Select Committee of the House of Commons on the Public Records*, p. 40.]

[A volume containing *Indices* and several very learned Dissertations on Domesday, the latter occupying nearly 90 folio pages, has also been printed by the direction of the Commissioners on the Public Records.]

always in the same order; and in like manner, the summaries of property in Wilts and Dorset are classed together. In the transcription of this Record, different scribes appear to have been employed in different parts. A variation in the mode of writing the marks and abbreviations, and more particularly in the contraction of *et*, distinguishes two if not three hands in a remarkable manner; and we have the evidence of the Record itself, in more than one passage, that different persons were employed upon it. (2) Three leaves relating to the Hundreds of Wiltshire are written upon vellum of a size much smaller than the rest of the work, and in a hand more than proportionately minute. About the end of the fourteenth or beginning of the fifteenth century, the sheets of which this Manuscript is composed were bound up in two volumes and paged, but apparently without any particular view of arrangement, and in so careless a manner, that the leaves containing the lands of the same tenants were frequently placed in different parts of the book. Preparatory to the publication of this work the sheets were again separated; and have been arranged as they are now printed, in the most obvious order, following, as near as the Record would permit, the plan of the Exchequer Domesday, and the whole is now bound in one volume.

The Manuscript itself begins with the *Inquisitio Geldi*, or taxation of the Hundreds of Wiltshire, of which it con-

(2) At the bottom of fol. 316, in the original, though not appearing as a part of the Manuscript, are these words, *h. scripsit Ricardus*: and in fol. 414, interposed between the words *mans q. vocatur* and *Hanecheforda*, we read, *usq; huc scripsit R.* In the margin of fol. 317, lengthwise on the page, is the word *Probatio*: the only notice of any examination. The hand-writing and colour of the ink of pages 153 b, and 436 b, are distinct from the rest of the Manuscript. The words *consummatū ē* several times occur in different parts, and once, fol. 490, *Consummatū ē usq; huc.*

tains no less than three copies, (3) the two last varying here and there in substance, as well as in the mode of expression, and in the names and order of the Hundreds; the second copy contains nearly all the matter of the first, with some additions in the margin; these additions the third incorporates with the text, and appears something like a corrected edition of the other two. In folio 11 and 11 b, at the end of the second copy of the *Inquisitio Geldi* for Wilts, is the Account of Shaftsbury, Dorchester, Bridport, and Wareham in Dorsetshire, exactly as in the Exchequer Domesday, (4) Shaftsbury not being called by its proper name, as in the Great Domesday, but as the Town of St. Edward. The *Inquisitio Geldi* of Dorsetshire begins at fol. 17; after which the few manors of that county contained in the Manuscript are inserted between the *Inquisitiones Geldi* already mentioned, and those of Devonshire, Cornwall, and Somersetshire: (5) and at fol. 526 b, the *Inquisitio Geldi* for two Hundreds of Somersetshire, which had not been before noticed, is preserved, together with the statement of the geld paid by the manors of Torna and Torleberga, and by Malgerus de Cartraio. (6)

The Inquisition for each Hundred states, 1. The total number of hides. 2. The number held by the King and his Barons in demesne, together with an enumeration of

(3) See fol. 1, 7, 13.

(4) *Domesd. tom. i. fol. 75.*

(5) See fol. 65, 72, 75.

(6) The names of the Hundreds in Devonshire, Cornwall, and Somerset, occur also in the *Exon Domesday* in distinct lists, fol. 63, 63 b, 64, and 64 b, but occasionally differing both in number and spelling from those of the *Inquisitiones Geldi*. It will be remembered that the only names of Hundreds in Wiltshire mentioned in the Exchequer Domesday, and even those incidentally, are Cicemtone, Sutelesberg, (*Domesd. tom. i. fol. 64 b.*) and Wrdrusteselle (*Ibid. fol. 69 b.*) and, which is singular, the two last are not to be found in the Exeter Domesday lists.

those for which the tax was not paid. 3. The number of hides for which the tax was paid, and its amount. 4. The tax in arrear, and the reasons for its so remaining. In some instances the number of hides for which the tax was paid, and its amount, follow the enumeration of the hides. Throughout, the geld or tax, as has been noticed in the Introduction to the Exchequer Domesday, is computed at the rate of six shillings for every hide, differing in a few places only by small fractions, and probably even then owing to the mistakes of the copier. In the Hundred of Mere, in Wiltshire, fifty-one hides paid £15. 6s. 0d.  $51 \times 6 = 306$  shillings. In the Hundred of Ramesberie, sixty hides paid £18.  $60 \times 6 = 360$  shillings. In the Hundred of Duneslawe, twenty-four hides paid £7. 4s. 0d.  $24 \times 6 = 144$  shillings. In the Hundred of Scipa, sixty-three hides paid £18. 18s. 0d.  $63 \times 6 = 378$  shillings. In Dorsetshire, in Haltone Hundred, forty-five hides paid £12. 10s. 0d.  $45 \times 6 = 270$  shillings. In Pinpre Hundred there was paid for thirteen hides, £3. 18s. 0d.  $13 \times 6 = 78$  shillings. In Devonshire, in the Hundred of Hertilande, seven hides paid £2. 2s. 0d.  $7 \times 6 = 42$  shillings. In the Hundred of Toritone, twenty-four hides paid £7. 4s. 0d.  $24 \times 6 = 144$  shillings. In the Hundred of Carsewill, thirty-two hides paid £9. 12s. 0d.  $32 \times 6 = 192$  shillings. In Cornwall, in the Hundred of Conarditone, ten hides paid £3. 0s. 0d.  $10 \times 6 = 60$  shillings. In the Hundred of Winnentone, six hides paid £1. 16s. 0d.  $6 \times 6 = 36$ . In Somersetshire, in the Hundreds of Tantotone and Pipeministre a hundred hides paid £30.  $100 \times 6 = 600$  shillings. In the Hundred of Cainesham, fifty hides paid £15. 0s. 0d.  $50 \times 6 = 300$  shillings. In the Hundred of Hareclive, sixty-one hides paid £18. 16s. 0d.  $61 \times 6 = 366$  shillings. In each of the Hundreds of Betministre and Brunetone, four hides paid £1. 4s. 0d.  $4 \times 6 = 24$  shillings. For forty hides in the Hundred of Etheministre in Dorsetshire all

but a virgate, the king had £12. 1s. 6d. all but a half-penny. For fifty-six hides and a virgate and the third part of a virgate in Hunesberge Hundred, £16. 18s. 0d.

The money retained by the *Collectores* in Wiltshire, or as they are in one instance called *Congregatores Geldi*, (7) for their own use, is frequently mentioned. As, fol. 9, "pro lxxv. hid. et dim. 3t redditę regi xxv. lib. 7 iii. sol. Collectores retinuerunt x. sol." Ibid. "pro xxxii. hid. 3t redditę regi ix. 7 xii. sol. ii. đ min<sup>9</sup>. 7 Collectores geldī retinuer. iii. den." Fol. 14 b. "pro lxxxxiii. hid. diñ. uirga minus. 3t reddę regi xxvii. lib. 7 iii. sol. 7 vi. den." From the *Inquisitio Geldi* of this county, however, the principle upon which their remuneration was apportioned does not appear. In Dorsetshire, the *Congregatores pecunię* are mentioned three times; twice in cases of surcharge, as in the Hundreds of Oglescome, fol. 17 b, and Go-chresdone, fol. 18; and once as unduly retaining the produce of the tax, fol. 22 b, in the Hundred of Gelingeham, "qz. iii. Congregatores huj<sup>9</sup> pecunię ñ reddiderūt. deñ q<sup>o</sup>s recepunt. dederūt vadium in misericordia ad reddendos denarios et ad emendandum forisfacturam." The whole amount of the Geld in Dorsetshire was £415. 8s. 9½d. of which forty pounds were represented as still unpaid. In Devonshire, the money paid to the Collectors is more regularly noticed. Out of thirty-one hundreds in that county, the *Fegadri*, who were the same persons (and who in one or two instances (8) are called *Hundremanni*) appear in twenty-four to have retained by custom the tax of one hide for their own use: "pro i. hida q<sup>o</sup> clamant Fegadri se debere habere per consuetudinem non habuit Rex gildum." In three instances, in the Hundred of Mertona, fol. 65 b, in Badentona, fol. 69, and in Dippeforda, fol. 69 b, they re-

(7) Fol. 9 b.

(8) See fol. 65, 65 b, 69.

ceived something less. In four other Hundreds their claim of remuneration is unnoticed. At the end of Devonshire we have the names of the persons who transmitted the produce of the tax to the King's Treasury at Winchester: "De III. hidis et una virga et uno fertino, de quibus Fegadri dicunt se recipisse denarios [*interlin.* xx. solidos] et deliberasse Willelmo Hostio et Radulfo de Pomario qui debebant geldum portare ad Thesaurum Regis Wintoniæ, non habet Rex gildum," fol. 71. In Cornwall, all mention of the collectors of the tax is omitted. In Somersetshire, in the Hundred of Meleborne, it is said, "Fegadri retenuerunt sibi III. sol." In the Hundred of Abbedicche, it is said, "de 1 fertino 7 diñ. ñ habuit Rex gildum suū de quibz Fegadri ñ potant reddere noñ rationē." fol. 81 b.

The entry which states the geld for Somersetshire to have amounted to £509, is particularly deserving of attention, as it at least shows the expenses attending the collection of the tax in one county. "De Sumerseta habet Rex de gildo suo D. libras et IX. libras in Thesauro suo Wintoniæ: et illi qui portaverunt has Wintoniam habuerunt XL. solidos de conregio suo: et inter saginarios conducendos, et scriptorem, et forellos emendos, et ceram dederunt IX. solidos et VIII. denarios; et de l. et unum solidum et III. denarios quos receperunt portatores Geldi non habuit Rex denarium, et non potuerunt computum reddere. Hos vadiaverunt sese reddituros legatis regis."

At the end of this account is an abstract or summary of the property of Glastonbury Abbey, in the counties of Wilts, Dorset, Devon, and Somerset; a summary of what belonged to the Abbey of St. Petroc(9) in the county of

(9) At the end it is said, "Comes aut' de Moretunio, IX. man' auferit p'dicte ecclie," (fol. 528 b.) The Earl of Moretaine's usurpations in other counties have been already noticed in the Introduction to the *Great Domesday*.

Cornwall; and a similar enumeration of the lands of Ralph *de Mortuo Mari* and Milo Crispin in Wilts, of *Robertus filius Giroldi* in Wilts, Dorset, and Somerset, and of the Earl of Moretaine in Wiltshire, Dorsetshire, Devonshire, and Cornwall. The possessions of *Robertus filius Giroldi* being twice repeated.

The testimony of our historians respecting the raising of the tax of six shillings upon every hide is quoted in the General Introduction to the Great Domesday. The Saxon Chronicle, Simeon of Durham, Florence of Worcester, the Chronicle of Mailros, Hoveden, and Henry of Huntingdon, representing it to have been levied at the end of the year 1083, or the beginning of 1084, immediately after the Queen's death, without any reference whatever to its connection with the general survey: while Matthew Paris and Matthew of Westminster make the tax an immediate consequence of the Survey: "Anno gratiæ M.LXXXIII. idibus Aprilis obiit Matildis regina, senior uxor Gulihelmi regis, filia Baldewini Comitæ Flan-driæ, et sepulta est cadomi in Monasterio Sanctæ Mariæ, quod ipsa a fundamentis construxerat, et nobiliter dota-verat. Eodem anno rex Gulihelmus misit justiciarium per totam Angliam, per Comitatus, et inquirere fecit, et diligenter perscrutari, quot jugata et virgata terræ, quid-que uni militi sufficere possit. Fecitque inquirere de urbibus, et villis, et viculis, ad quid in solidum ascen-derent. Inquisivit etiam quot animalia possent sufficere ad unius hydæ culturam, et de fluminibus, paludibus, sylvis, quem censum redderent per annum, et quot milites essent in unoquoque Comitatu, ut sciret, quo numero virorum posset, si tanta necessitas emergeret, confidere. Quæ omnia, in scripta redacta, et ad Westmonasterium relata, in Thesaurum regium deferebantur reservanda. Deinde senior, factus avarior et de rege tyrannior, de



*unoquoque aratro, id est hyda terræ totius Regni, sex solidos extorsit truculenter.*"(10) Kelham states it to have been raised "to defray the expenses the King had been at in compiling the survey."(11) An idea which is sufficiently refuted by the amount of the tax: the produce of it in any one county being more than adequate to meet the expenses of the Commissioners in all. Certain it is that the Record itself bears evidence that the tax was raised at the time of the survey; that it was connected with it; and that, at least in the western counties, it was collected by the same Commissioners.

Upon collating the returns of Lands which form the great body of the Exeter survey with the Exchequer Domesday, they have been found, with a few trifling variations, to coincide. One entry of property alone being discoverable in the Exeter which is omitted in the Exchequer Domesday; relating to Sotrebroc in Devonshire: "Floherus hñ I. mansionē quę uocat' Sotrebroc. quā tenuit aluiet ea die qua rex E. f. u. 7 m. Et reddidit gildū p dim. uirga. q<sup>u</sup> possit arare IIII. boues. 7 ualet p annū II. solid."

The Exeter Manuscript, however, is not complete in its contents. From the Index of Tenants *in capite* it will be seen, that the only land in Wiltshire accounted for among its entries, is a single manor belonging to William de Moione, although in the summary in the folios 527 b, 528, and 530 b, the general number of manors belonging in that county to Glastonbury Abbey, Ralph *de Mortuo Mari*, Milo Crispin, and the Earl of Moretaine, are included. The possessions in Dorsetshire, contained in the Exeter Domesday, are, all but two manors under the title of *Terra Regis*, the lands belonging to the monasteries of

(10) *Mat. Westm.* edit. 1570, p. 8. See also *Mat. Par.* edit. 1640, p. 11. sub an. 1083.

(11) *Domesd. Book Illustr.* p. 6.

Cerne, Middleton, Abbotsbury, Athelingey, and Tavistock; those of William de Moione, Walter de Clavile, Roger Arundel, and Surlo de Burci; all but one of the manors belonging to the wife of Hugh Fitz Grip; with the whole property of the Earl of Boulogne. The rest, amounting to no less than forty titles of tenants *in capite*, are entirely omitted. In Somersetshire there is but one omission only. The entry of Middeltone among the lands of Walter de Dowai, in fol. 95, col. I., of the Great Domesday, appears to have no corresponding entry in the Exeter survey. In Devonshire, six manors among the lands of Walter de Dowai, mentioned in the Great Domesday, (12) are omitted: but these have evidently been cut out and lost. The same was undoubtedly the case with five manors, and the mention of a house in Exeter belonging to Rualdus Adobed. The description of this baron's property ends abruptly, in the middle of the manor of Docheorde: and should have contained, according to the Exchequer Survey, the account of Avetone, Alfelmestone, Hainemardvn, Wicerce, Macheswelle, and the notice of the house in Exeter already spoken of. The other omissions in Devonshire, according to the titles in the Exchequer Survey, consist of the manor of Witelei, and two houses in Barnstaple belonging to Robert de Albemarla; the lands of Robert Bastard, Richard Fitz Turoid, Alured Brito, Hervey de Helion, Godeboldus, Nicholas Balistarius, Fulcherus, and Haimericus; together with eleven manors under the title of *Terræ Servientium Regis*. (13) In Cornwall, every manor mentioned in the Exchequer occurs in the Exeter Domesday.

In the spelling of the names of places and persons there is a remarkable difference between the two Records. In

(12) These were Dvnesford, Litelracheneford, Esprewei, Svtreworde, Godrintone, and Hetfelle. See *Domesd.* tom. i. fol. 111 b. 112.

(13) *Domesd.* tom. i. fol. 113, 113 b, 115 b, 117, 117 b.

the Exeter Survey, the names of places have almost invariably a Latin termination, which is not usually the case in the Exchequer Domesday. The caprice, however, with which they have been written as to spelling, either in one or in the other Record, is unaccountable: some manors being only traceable in collating with the Exchequer Survey, by the names of the owners, or the particulars of the estate. *Rilchetona*, in the Exon Domesday, fol. 101, is *Chilchetone* in the Great Domesday, tom. i. fol. 120. *Modiforda*, Exon. fol. 116, is *Mundiforda* in Domesd. tom. i. fol. 87. *Pillanda*, Exon. fol. 127 b. is *Welland*, Domesd. tom. i. fol. 102 b. *Pediccheswella*, Exon. *ibid.* is *Wedicheswelle*, Domesd. tom. i. fol. 102 b. *Ailevescota*, Exon. fol. 127, is *Ailesuescota* in Domesday, *ibid.* *Pi . . . na*, Exon. fol. 127 b. is *Wiltone*, Domesd. tom. i. fol. 102 b. *Illebera*, Exon. fol. 139 b. is *Lilebere*, Domesd. tom. i. fol. 88. *Padenab'ia*, Exon. fol. 172, is *Wadeneberie*, Domesd. tom. i. fol. 90. *Gluinauit*, Exon. fol. 231 b. is *Clunewic*, Domesd. tom. i. fol. 123 a. *Pocahetilla*, Exon. fol. 233 b. is *Pochehelle*, Domesd. tom. i. fol. 124. *Trenidered*, Exon. fol. 245 b. is *Trewderet*, Domesd. tom. i. fol. 124 b. *Dueltona*, Exon. fol. 295, is *Oveltone*, Domesd. tom. i. fol. 106 b. *Lidefort*, Exon. fol. 355, is *Tideford*, Domesd. tom. i. fol. 114. *Cvrem'tone*, Exon. fol. 484, is *Citremetona*, Domesd. tom. i. fol. 118. *Wiribesliga*, Exon. fol. 488, is *Wasberlege*, Domesd. tom. i. fol. 118 b. *Peret*, Exon. fol. 88 b. is corrected in the Exchequer Domesday to *Nort Peret*, tom. i. fol. 86.

Among the more observable differences in the names of persons, it may be noticed, that *Uwardus Wite*, mentioned in the Exon Domesday, fol. 116, is called *Vlmardus Albus* in the Exchequer Domesday, tom. i. fol. 87. The Abbat of Battle in Sussex is called *Abbas de Pūio* in the Exon Domesday, fol. 195; but in the Exchequer Domesday, fol. 104, *Abbas de Labatailge*. *Abbas de Aliennia*

Exon. fol. 280, is *Abbatia de Adelingi* in Domesday. *Adret*, Exon. fol. 488, is both *Eldred* and *Edred*, Domesd. tom. i. fol. 118. *Bristecus*, Exon. fol. 489, is *Brictric*, Domesd. tom. i. fol. 118. *Willielmus Capra* of Exon. fol. 398, is *Willielmus Chievre* in Domesday.

The names of tenants in King Edward's time are far more numerous preserved in the Exon than in the Exchequer Domesday.

In the systematic arrangement of the subject matter, the Exchequer Domesday bears unquestionably a decided preference over the Exon Domesday. Occasional insertions in the margin of the Exon Survey, are entered in the text of that in the Exchequer. (14) One instance occurs of the repetition of a manor in different pages of the Exon. (15) The manors divided between the folios 117 b, and 120, in the Exon Domesday, belonging to the canons of Exeter Cathedral, for their maintenance, *de victu Canonicorum*, are brought together in the Great Domesday, and marked C. The lands of the Bishop of Coutance, Exon. fol. 121, as well as those of other barons, are intermixed without any reference to arrangement. (16) Those belonging to the Bishop of Coutance, which Drogo held, are put together in the Domesday Survey, to the number of seventy-three. In fol. 161 of Exon, although the title of the lands described is *Terra Abbatis Glasingheberiensis in Devenescira*, yet in fact there is only one of the manors in that county; the rest are all in Somersetshire, and are entered as such in the Great Domesday. On the contrary, in fol. 194 of Exon, the *Terrę Ecclesiarum quę datę sunt S'cis in Elemosina*, from all that appears on the face of the work, are in Somersetshire; whereas they are really in Devonshire,

(14) See fol. 39 b, 85, 94 b, 349 b.

(15) Touretone, fol. 98, 110 b.

(16) See also the Earl of Moretaine's lands, fol. 272 b, &c.

and are so accounted in the Exchequer Domesday. (17) In fol. 225 b, 226, 226 b, and 227 of the Exon Domesday, are entries of property held by the Earl of Moretaine which had been previously entered among the *Terræ Regis dominicæ* in Cornwall, fol. 99, 99 b, 100. In the Great Domesday they are entered once only, as members of the King's manor of Winetone. (18) In like manner, the custom of the lands in Cruca held of the King's manor of Sudperet in Somersetshire, though only once entered in the Great Domesday, (19) occurs intentionally twice in the Exeter; once under the King's lands, and once under the Earl of Moretaine's, (20) as the under tenant. The entry of the Exon Domesday of the manor of Mundiforda, as the Earl of Moretaine's, is worth notice. In the Great Domesday, (21) this entry is put at the end of the lands of Baldwin de Execestre; but, certainly by mistake: the words "ten. de Co." showing it to belong to the Earl of Moretaine.

At the folios 495, 507, 508, are certain lands under the title of *Terræ occupatæ*, in the counties of Devonshire, Cornwall, and Somerset; consisting of larger or smaller quantities of territory, from half a virgate to one, or even more manors. These appear generally to have been held in the time of King Edward the Confessor, independently, by persons of the rank of thanes; but, at the time of taking the survey, either by Norman barons or their tenants, annexed to some other manor, and their valuation included in the tax of that manor. These lands are mentioned in the Exchequer Domesday, as well as in the former part of the Exeter Domesday, at the end of the respective manors to which they were attached: the repetition of them in the Great Domesday, it is probable,

(17) *Domesd. tom. i. fol. 104.*(18) *Domesd. tom. i. fol. 120.*(19) *Domesd. tom. i. fol. 86.*(20) *Exon Domesd. fol. 89, 265.*(21) *Domesd. tom. i. fol. 93.*

under the title of *Terræ occupatæ*, was thought unnecessary.

The most striking feature, however, of the Exeter Domesday, in which it uniformly supplies us with additional knowledge to that in the Exchequer Survey, is the enumeration of live stock upon every estate; an account of the number of oxen, sheep, goats, horses, and pigs; exactly in the same manner as it is given in the second volume of the Great Domesday. The reason for omitting this enumeration in the breviated entries of the first volume of the Great Survey, is self-evident. The live stock was altering every day and year; the enumeration of it, therefore, could be of no further use than for the time when the survey was made. A comparison of this part of the Exeter with the second volume of the Great Survey, tends greatly to corroborate the notion, that the returns of the counties of Essex, Norfolk, and Suffolk, were transcribed in full from the Original *Rotuli*, in the same manner as the Exeter Domesday. It is singular, that in Essex, as has been noticed in the Introduction to the Great Domesday, *soldarii* is once used for *milites*.<sup>(22)</sup> The counties of Essex, Norfolk, and Suffolk, it will be remembered, have almost as marked a variation in their language from the first volume of Domesday, as the Exeter Survey.

The difference between the two surveys as to diction, where they agree in sense, is incidentally noticed in the introduction to the great Domesday. It will not be irrelevant here to exemplify the observation.

<i>Exchequer Domesday.</i>	<i>Exon Survey.</i>
Acra . . . . .	Agra.
ad arsuram . . . . .	ad combustionem.

(22) *Ad uictu' soldariorum*, in the account of Colchester, *Domesd.* tom. ii. fol. 107.

*Exchequer Domesday.**Exon Survey.*

Censores . . . . .	Gablatores.
Clerici . . . . .	Sacerdotes.
Geldabat . . . . .	reddidit Gildum.
Leuca . . . . .	Leuga.
Manerium . . . . .	Mansio
ad opus Militum . . . .	ad Solidarios.
Molendinum . . . . .	Molinus.
Nummi . . . . .	Denarii.
in Paragio . . . . .	Pariter.
Portarii . . . . .	Portitores.
Pastura . . . . .	Pascua
Poterat iré quo uoleþ (tom. i.) fol. 97 b.	poterat sibi eligere dñm scđm voluntatē suā c̃ trā suā (fol. 383).
Quarentena . . . . .	Quadragenaria.
Sylva . . . . .	Nemusculum.
T. R. E. . . . .	Die q <sup>a</sup> rex E. f. v. & m.
Tainus . . . . .	Tagnus.
Terra ẽ VIII. car. . . .	posẽ arare VIII. carr.
Terra Regis . . . . .	Dominicatus Regis, <i>and, in one instance</i> , Dominicatus Regis ad Regnum per- tinens.
III. lib. 7 XXXV et denar.	III. lib. & III. sol. I. den. minus.
Totū ualet XXI lib. . .	Hæc mans. reddit ad opus abb X 7 VIII. lib. 7 ad opus tagnorum III lib. (fol. 37 b.).
Vidua . . . . .	Vidua fœmina.

In the last folio of the Exeter Domesday are certain Titles of lands similar to those which are placed at the head of most of the Counties in the Exchequer Domesday.

II. THE INQUISITIO ELIENSIS is a document of the same kind with the Exeter Domesday; relating to the property of the Monastery of Ely, recorded afterwards in the two volumes of the Domesday Survey. It is preserved in a register of the Monastery remaining among the Cotton Manuscripts in the British Museum, marked *Tiberius*, A. VI. and is at least as old as the twelfth century (23). Another Copy of this Inquisition is contained in the chartulary of Ely Monastery, preserved in Trinity College, Cambridge, called by Gale *Liber Eliensis*.

In point of form, arrangement, contents, peculiarities, redundancies of entry, and diction, it very much resembles the Exeter Survey. It contains the same enumeration of live stock; and beside the lands actually held by the Monastery, it formally details the state of those which were granted out as thainlands as well as of those of which the abbat had the soke only (24). It opens with the Inquisition already mentioned in the Introduction to the Exchequer Survey, followed by the names of the jurors in the different hundreds of Cambridge and Hertfordshire only. The Abbey property in Cambridgeshire begins in folio 2. That in Hertfordshire at folio 12 b. Essex, in folio 13. Norfolk, with the entry of Teodforda, in folio 14 b. Suffolk at folio 19 b. and Huntingdonshire in the middle of folio 29. The statement of the lands held by the Abbey in demesne in the counties of Essex, Norfolk, and Suffolk, generally speaking, corresponds minutely with the letter of the Returns in the second volume of Domesday.

(23) [The portion only of this Manuscript relating to the possessions of the Church of Ely, has been published by the Record Commissioners. The second, portion, entitled *Inquisitio de terris quas laici tenuerunt in Grantebriggescyra*, is yet inedited. *Quarterly Review*, vol. 39, p. 55.]

(24) These are summarily mentioned in the Exchequer Survey, under the lands of the different Barons who then actually held them.



Where the Ely Inquisition differs in sums or numbers from the Exchequer Survey, the variation is probably to be laid to the fault of the transcriber; who has here and there made likewise trifling omissions. Throughout, where the Exchequer Survey reads *averam* the transcriber of the Ely Inquisition has put *auram*. From the words "de toto quod *habemus*," which precede the valuation of the Abbey receipts in three counties(25), it may be presumed that the Ely Inquisition was the Abbot's return to the inquiries of the King's justiciaries. It is remarkable that *commendatio*, which has generally been considered as confined to the counties in the second volume of Domesday, occurs twice in the Ely Inquisition in Cambridgeshire.

The difference in the names of places is full as remarkable in the *Inquisitio Eliensis* as in the Exeter Domesday. In Cambridgeshire, *Euresdone*, in Domesd. tom. i. fol. 199, is *Neuueretona* in the Inq. Elien. fol. 6. *Witeseie*, Domesd. tom. i. fol. 191 b, is *Wittleseia* in the Inq. fol. 8 b. In Essex, *Dommauu*, Domesd. tom. ii. fol. 18 b, is *Dunham* in the Inq. fol. 13. *Broccheseuot*, Domesd. *ibid.* is *Brocchessene* in the Inquisition. *Phenbrugge*, Domesd. tom. ii. fol. 97 b, is *Fambrugge*, Inq. fol. 13 b. In Norfolk, *Hidlingeia*, Domesd. tom. ii. fol. 212 b, is *Halingai*, Inq. fol. 15. *Esingatuna*, Domesd. tom. ii. fol. 213 a, is *Singatone*, Inq. fol. 15. *Breham*, Domesd. tom. ii. *ibid.* is *Brethenham*, Inq. fol. 15 b. *Cauelea*, Domesd. tom. ii. fol. 214 b, is *Celuelia*, Inq. fol. 16 b. *Dodenham*, Domesd. tom. ii. fol. 214 b, is *Tudeneham*, Inq. fol. 16 b. *Jakesham*, Domesd. tom. ii. fol. 17, is *Lakesham*, Inq. fol. 17. *Plestuna*, Domesd. tom. ii. fol. 214 b, is *Priles-*

(25) These are Cambridgeshire, (fol. 11.) £318. 3s. Od.; Hertfordshire, (fol. 13.) £50. 0s. Od.; Norfolk, (fol. 17 b.) £100. 8s. Od.; making a total of £468. 11s. Od. The total of the valuations for Essex, Suffolk, and Huntingdonshire, is omitted.

*tona*, Inq. fol. 17. In Suffolk, *Laringahetha*, Domesd. tom. ii. fol. 382, is *Lackingehetha*, Inq. fol. 24. *Landale*, Domesd. ibid. is *Vndelai*, Inq. fol. 24. *Clamesford*, Domesd. tom. ii. fol. 382, is *Glammesforda*, Inq. fol. 24 b.

In the names of Persons, the variations are fewer: though in two or three instances deserving notice. *Wilhelmus de Warene* of Domesday, is uniformly called *Wilhelmus de Warra*. *Tochi*, Domesd. tom. i. fol. 196 b, is *Thorkillus* in the Inq. fol. 5. *Turbernus*, Domesd. tom. i. fol. 198 b, is *Turbertus* in the Inq. fol. 5 b. *Ædricus pur*, Domesd. tom. i. fol. 200, is *Ædricus pur*, Inq. fol. 6. *R. de Bellafagou*, Domesd. tom. ii. fol. 14 b, is *R. de Belfou*, Inq. fol. 16 b.

III. THE WINTON DOMESDAY, formerly the property of James West, Esquire, and now preserved in the archives of the Society of Antiquaries of London, consists of two distinct Parts or Records, both written upon vellum. The first is entitled, “*Liber de Terris Regis reddentibz Langbalm. 7 Bruġ in Winċ. sicut sōlebant reddere tempore Regis Edwardi,*” and occupies twelve leaves of the Manuscript in double columns. The second Record begins at folio 13 b, “*Hęc est Inq̄sitio de terris Wintoñ. quisq̄s teñ. 7 qūtū teñ. 7 de quocūq̄ teñ, 7 qūtū quisq̄, inde cap̄. p̄cepto Epi. Henr̄. anno ab incarnaċ. dñi M. C. xlvijj.*” and occupies twenty leaves. Immediately following the title of the first portion is a rubrick, stating that King Henry the First, desirous of ascertaining what King Edward the Confessor held in Winchester, as of his own demense, ordered this Survey to be made upon the oaths of the burgesses. An inquest was accordingly taken by four score and six of the superior burgesses, in the presence of William the bishop, Herbert the chamberlain, Ralph Basset, Geoffrey Ridel and William de Pontearchar. William Giffard, Bishop of Winchester, was consecrated in 1107; and, as he died

according to Wharton (*Anglia Sacra*, part i. pp. 278, 299) in 1128, the Survey must have been taken some time between the two years.

Mr. Gough, in his *British Topography*, vol. i. p. 388, has printed the substance of a Letter addressed by Bishop Lyttelton to the Society of Antiquaries on the two Records here transcribed. In the first Bishop Lyttelton observes, a few words are used which are not found in the Exchequer Domesday, such as *Chenicle*, *Eschamel Renta*, *Hantachenesle*, *Escheopes*, *Managium*, *Wata*, &c. though some of them are in Du Cange. *Wata*, he observes, seems to have been a tax like Danegelt, from which few houses in Winchester were exempt. The great number of sur-names in this Record, among the tenants of King Edward the confessor, is very remarkable, as *Alwinus Idessone*, *Edwinus Godeswale*, *Brumanus de la Forda*, *Leuret de Essewem*, in the first page only; these Bishop Lyttelton considered must have been Normans settled here by the King. Among the particulars in this Record more peculiarly interesting to the topographer may be mentioned the notice of a royal house in the City (26), distinct from that of the King. Five mints, which had before existed, are represented to have been put down by King Henry (27), and several almshouses are mentioned distinct from the charities bestowed on religious houses (28). Throughout the Record, house-rent appears to be rated extremely high, considering the scarcity of money. In fol. 2, the Monks of St. Swithin are represented to have held a house of Godwin Socche-master moneyer to the Confessor, at the rent of thirty-

(26) "Domus Emme Regine," fol. 5 b.

(27) "In mercato fuerunt v. monete. que f't diffacte p'cepto reg'." 4 b.

(28) "ipse Osb't' [fili' Thiard] posuit ibi v. bordell' partē, in uico Regis, 7 fecit eos p' amore d'i ad hospitandū paup'es," fol. 6 b.

seven shillings. In fol. 4, a house held by Herbert de St. Quintin occurs at the rent of seventy-four shillings and sixpence. Sapaland, a monastery unknown either to Dugdale or Tanner, occurs in more than one entry in fol. 9; and in one article we have the mention of a *priest's wife*. The following are the names of the streets of Winchester mentioned in this first Record: *Swithelinga Street*, *Bredenestret*, *Scowertenestret*, *Alwarenestret*, *Flesmangereestret*, *Wenegenestret*, *Tanerestret*, *Bucchestret*, *Calpestret*, *Galdestret*, and *Gerestret*. The Inquisition of 1148 has fewer observable peculiarities than the Survey of the time of Henry the First; the opulence of the inhabitants may possibly be gathered from the frequent recurrence of the trade of Goldsmith in it; and the populousness of the town from the enumeration of the following streets, in addition to those already noticed from the former Record; *Magnus Vicus* (or High Street), *Sildewortenestret*, *Wunegerestret*, and *Menatrestret*; *Fishmongerestret*, mentioned both by Bishop Lyttelton and Mr. Gough, certainly does not occur in either of the Records. In the petition from the city of Winchester to King Henry the Sixth, in 1450, no less than nine of these streets are mentioned as having been ruined. It may be curious to notice that at fol. 22 and 31 in the second Record here transcribed, a bezant (1 *bisant*) twice occurs as the denomination of a payment; and it will be found to be mentioned several times in the Boldon Book.

IV.—THE BOLDON BOOK, or Survey of the Palatinate of Durham. In the year 1183, Hugh Pudsey, called also, de Puteaco, de Pusar, and de Pusaz, nephew to Stephen King of England, caused this survey to be made, since known by the name of the *Boldon Book*.

It probably had its name from Boldon, a village and parish near Sunderland in the same diocese, where either it was compiled, or according to the census of whose in-

habitants, the other manors, &c. in that bishopric were regulated. This latter is the most probable origin of the name; for, in the account of rents and services required of other places, reference is frequently made to those rendered by the people of Boldon. Its title in the Laud MS. 542, shows at once the nature and design of the work: "*Inquisitio de Consuetudinibus et Redditibus totius Episcopatus Dunelmensis; facta per Hugonem Episcopum, Anno 1183.*" Of the motives or reasons which led to this compilation, we have no record: but Bishop Pudsey affected the state of a sovereign in his own palatinate; in which there were many royal rights, which had been enjoyed by its prelates long before the Conquest, and were continued long after; several of which remain even to the present day. And perhaps it was in consequence of these exclusive rights, that when the general census, known by the name of Domesday Book, was made, the bishopric of Durham was passed by, as it was found to contain no rights which could be claimed by the monarch, without trenching on those which had been possessed by its bishops through a long series of years.

The autograph of the Boldon Book has probably long since perished; or, if it exists, the place of its deposit is unknown. Three different copies of it, possessing different degrees of perfection, remain: 1. One in the Bishop's Auditor's Office, Durham. 2. One in the library of the Dean and Chapter in the same city. 3. One among the Manuscripts of Archbishop Laud, at Oxford.

1. A fair and accurate transcript of the Manuscript in the Bishop's Auditor's Office, Durham, collated in select places with that in the library of the Dean and Chapter of the same city, was made in 1812. The MS. in the Auditor's Office appears to have been written about A.D. 1400; and is appended to Bishop Hatfield's Survey, a

work of a similar nature. On the back of the fasciculus which contains both these surveys, is written, *Supervisus tempore Thome Hatfield Epi. Supervisus tempore Hugonis Epi.* 1183. To this latter superscription, a more modern hand has added these words: *Boldon Book.*

2. The Manuscript in the library of the Dean and Chapter at Durham is supposed to be of the time of Henry the Fourth, and is contained in a volume which is called the First Register. It begins thus, *Incipit Boldon Buke.*

3. The third copy of this Record is in the Bodleian Library, among the Laud Manuscripts, and is marked Laud, 542. It is a broad thin quarto, consisting of twenty-five pages, closely and neatly written, apparently by a Northern or Scottish scribe. Sixteen pages and a half are occupied with the text of the Boldon Book: the others contain copies of Charters, Inquisitions, &c. relating to the rights and privileges of the see of Durham. This Manuscript was formerly bound in blue velvet, little more than the ground of which is now remaining. Its title has been noticed above. At the top of the first page is the following entry: *Incipit Liber qui vocatur Boldon Book;* and at the bottom, *Liber Guilielmi Laud, Archiep̃ Cantuar̃ et Cancellarii Universitatis Oxon,* 1633. On the same page is the autograph of Cuthbert Tunstal, *Cuthbertus Dunelm̃*, who was Bishop of Durham in 1530. It appears that this Manuscript has been most faithfully copied, either from the original Survey, or from some very authentic transcript. The scribe has followed his original in the most scrupulous and exact manner; and has evidently copied all its contractions, as well as its words. This appears from the following circumstance: the writer seems to have kept his eye constantly on his exemplar; and to have corrected his work, word by word, as he proceeded. Hence it often happens that in writing

a contracted word, if, on immediate examination, he found he had put in one letter too much or too little, he instantly ran his pen through the word, and wrote the proper contraction after it, in the same line; not above it, as he must have done had he waited to collate his transcript with the original when his work was finished. While such a transcript remains, it is a subject of comparatively little regret that the autograph is lost; as many reasons might be adduced to render it very probable that this is a faithful copy of the original Boldon Book. From this Manuscript the published copy was taken. The various readings in the margin were taken from the transcript of the copy in the Bishop's Auditor's Office at Durham, collated as above mentioned with that in the library of the Dean and Chapter.

This Record is, on several accounts, of great importance. 1. It is a valuable supplement to Domesday Book, supplying a material defect in that Record. 2. It is of great importance to the see and palatinate of Durham, as it is frequently appealed to, and has been admitted as evidence in trials at law, on the part of succeeding bishops, to ascertain their property and seignorial rights. 3. It serves to cast light on ancient tenures, customs, manners, and services. 4. It contains many words which are not found in Du Cange, nor any of his continuators; the meaning of which, from their connection with others well understood in the Boldon Book, may in general be easily ascertained. 5. It contains several curious references to the mode of living among our ancestors in the twelfth century, their amusements, diet, coin, the price of labour, &c. &c. which may furnish the antiquary and historian with valuable materials, either for a more improved topographical history of the palatinate in particular, or for a more accurate account of English customs and manners in the

twelfth century in general. As a supplement to Domesday Book it is peculiarly valuable. (1) (2) (3)

(1) [The Survey which may be considered as the *Domesday of North Wales* is perhaps equally important with most of the works noticed in the present compilation.

"About the 26th Edward III., John Delves, acting as lieutenant of the Earl of Arundel, made his circuit throughout the country, for the purpose of ascertaining not only the value of the royal demesnes, but also the local tenures, customs, and powers. Adopting the ancient course, he summoned the landholders, as well free as bond, and their declaration upon oath was examined or verified by the juries empannelled in each 'commot,' being substantially the same process as was employed by the Conqueror. These reports were completed with so much accuracy, that every parcel of land can still be identified; yet so complete has been the introduction of English law, in the Principality, that the best informed of the Cymric antiquaries are unable to give a satisfactory interpretation of the tenures specified in the extant, and of which the knowledge is lost in the mist of antiquity.

"The original extents, which were deposited in the exchequer at Caernarvon, have been long since dispersed and destroyed. Copies of those relating to Anglesey, Caernarvon, and Denbigh, made about the reign of Henry VII., are extant in two volumes, in the Harleian collection, which appear to have belonged to the Court of Wards. A translation of the Extent of Anglesey, by the late Mr. Parry, has been published, with transactions of the Cymrodorion. It is highly desirable, however, that the original should be printed."—*Quarterly Review*, vol. xxxix. p. 58.]

(2) ["It is not unusual to describe Domesday as a badge of Norman tyranny. That the survey was prompted by the stern and rigid principles of government adopted by the Conqueror, cannot be denied; but instead of being calculated to enlarge his authority, it was in truth an admission of the restriction of his power. Had he considered himself as an absolute monarch, governing by right of conquest, there would have been little necessity to inquire into the prerogatives of Edward the Confessor. New lords had become seized of the halls of the Saxon Thanes; and few indeed of the English aristocracy enjoyed any share of wealth or honour. Still the law was unshaken and unchanged. The record which testified the extent of the rights of the sovereign was an equal protection to the humble socman—who, if his franchises were invaded, was thereby enabled to claim his ploughland with as much certainty as the king could assert his wide-spreading prerogative. The precedent, so given, was soon universally adopted: every prelate and every baron imitated the proceedings of the royal courts, as closely as could be effected by the constitution of the seigniorial tribunal; the value of the rents of the manor, and the services



of the bondmen, were investigated by proceedings modelled after the prototype of Winchester; and every extent of lands, tenements, or hereditaments, that is to say, an inquiry into their nature and value, effected by means of a jury empannelled before the escheator, the sheriff, or any other person delegated by the crown, derives its origin from the proceedings of the Exchequer of the Conqueror.

"One of the principal objects of the Domesday Survey, was to ascertain the number of hydes which were to be charged with the Danegeld. This land-tax was assessed at the rate of six shillings per hyde, amounting, on the average, to one hundred acres; and until the land was brought under the plough it does not appear to have been liable to the payment. The increase of cultivation may, therefore, have been one of the causes which induced the ambitious Flambard to advise another survey; which was considered as one of the greatest grievances of the tyranny of the Red King. Other general surveys, in the nature of Domesday, were made from time to time. Henry I. made similar inquiries, and a most curious description of Winchester is extant, resulting from the inquest of the eight score and six burgesses impannelled before the Commissioners, in which we have the particulars of every house in the city which paid 'Landgable' or ground-rent to the King in the days of Edward the Confessor, and at the period when the Survey was made. It is uncertain to what period we are to refer the fragments of another general Survey hitherto unnoticed, and affording some important particulars relating to tenure which are omitted in Domesday. For instance, from the description of the boroughs of Winchcombe and Gloucester, we ascertain that the burgesses had a certain estate by inheritance in their burgages, and which was not divested by the Conquest."\*—*Quarterly Review*, vol. xxxix. p. 57.]

(3) [Short notices of the Exon Domesday, the *Inquisitio Eliensis*, the Winton Domesday, and the *Boldon Book*, may be found in *Nicolas, Notitia Historica*, p. 108, and *Grimaldi, Origines Genealogicæ*, pp. 2, 3.]

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\* "In Wincelcumbe, in dominio Regis Edwardi erant lx Burgenses redditentes xli sol. de gablo per annum. De hiis sunt lii in hereditate sua manentes."

"Gloucestr', Tempore Regis Edwardi erant in civitate ccc Burgenses in dominio, redditentes xviii. li. et x sol. de gablo per annum. De hiis sunt c tres minus residentes in propria hereditate, et c tres minus manentes in emptis mansionibus, Francigenæ et Anglici."

## CHAPTER VIII.

### ANCIENT PLACITA—ROLLS OF THE CURIA REGIS.

ACCOUNT of the Publication intituled **ABBREVIATIO PLACITORUM**, in Domo Capitulari Westmonast. asservatorum, Temp. Regum Ric. I., Joh., Hen. III. et Edw. I. II.

[*From the Preface to the Work.*]

THE Work was printed under the immediate direction, superintendence, and revision of the Right Honourable George Rose, Keeper of the Records in the Treasury of the Court of the Receipt of the Exchequer, preserved in the Chapter House of the Abbey of Westminster, from several volumes of Abstracts of Pleadings during the reigns of Kings Richard the First, John, Henry the Third, Edward the First, and Edward the Second, made by Mr. Arthur Agarde, and other Keepers of such Records during the reign of Queen Elizabeth.

From the commencement of these Pleadings in the reign of Richard the First, to the end of the reign of King John, the Abstract has been framed for the most part from Rolls of the *Curia Regis*; but as it is difficult to decide now, when the proceedings in the *Curia Regis* finished, and the component branches of that Court became distinct and permanently severed, the whole of the Work was therefore printed under the title of *Placitorum Abbreviatio*. During the reigns of Edward the First and Second, far the greater part of the Abstract is collected from

Rolls of Pleadings in the King's Bench; there are, however, numerous Pleadings under the following mixed titles, viz.:—

“Placita coram Domino Rege in Parlamento suo apud Westminster,” p. 321.

“Placita coram Domino Rege & Concilio suo,” pp. 186, 262, 277.

“Placita coram Concilio Domini Regis,” pp. 118, 119, 129, 137, 185, 186, 264, and 277.

“Placita coram Domino Rege et locum suum tenentibus,” pp. 271, 274, 275.

“Placita coram Domino Rege vel locum ejus tenentibus,” p. 274.

“Placita coram locum tenentibus Domini Regis,” pp. 242, 262, 274, 275, 279, 280, 281.

“Placita coram Domina Regina & Concilio Domini Regis,” p. 128.

“Placita coram Archiepiscopo Ebor' & Concilio Domini Regis,” pp. 118, 119.

“Placita coram H. le Bygod, Justiciar' Anglie,” pp. 146, 149.

“Placita Exercitus Regis,” pp. 300, 301.

Besides the above, the Abstract contains Pleadings during the reigns of Henry the Third and Edward the First, before the Justices Itinerant, pp. 36, 39, 41, 43, 63, 70, 71, 115, 120, 122, 125, 126, 143, 144, 152, 153, and 154; and also before the Justices of Assize, pp. 34, 64, 68, 103, 127, 128, 145, 153, 159.

Throughout the whole much important matter will be found, relating to Petitions of Right, and to the Parliament and the *Concilium Regis*; and frequent references from each of them to the King's Bench, and again from that Court to the Parliament, viz.

Petitions and Proceedings in Parliament occur in pp. 235, 241, 247, 248, 251, 254, 324, 335.

Petitions sent to the Justices of the King's Bench, to be there enrolled, pp. 241, 324, 328, 335.

Pleadings before the King, and before the King and his Council, adjourned into Parliament, pp. 211, 253, 255, 264, 289, and 290.

Pleadings also from the King's Bench remitted to Parliament, and by the Parliament again sent to that Court to be determined, pp. 253, 255, 256, and 258.

Proceedings in Error, from the King's Bench to the Parliament, will be met with in pp. 211, 249, 344, *et passim*.

The Expenses of Knights attending the Parliament, are noticed in pp. 332 and 334.

Petitions of Right addressed to the King, are in pp. 208, 228, 256, *et passim*.

And many instances of their being sent to the Justices of the King's Bench to be determined, at pp. 258, 260, 261, 318.

Petitions to the King and his Council, delivered to the Judges of the King's Bench, that justice might be there done to the parties, pp. 302, 346.

In addition to points of general learning to be found herein, respecting the Parliament and the *Concilium Regis*, as they severally stood in relation to the Court of King's Bench; this Abstract furnishes much other interesting matter in the Law, the History, and the Customs of the Country: among the most material heads, briefly noticed in the *Index Rerum*, the following may afford some idea of the nature and utility of the Work, viz.

*Appeals of Murder* and other Felonies—*Assise*—*Attaint*.—Under these heads much obsolete Law and many curious Customs are observable.

*Bridges and Sewers*.—It will be seen, under this title, who are, in many instances, liable to the repairs of Bridges and Sea Walls.

*Charters and Grants* to Corporations; *Concords* and *Fines* in Real Actions, and *Deeds* between Party and Party, are enrolled throughout the Rolls from whence the Abstract is taken.

*Damages and Costs*.—Under this title, it is observable, that the Judges formerly exercised considerable discretion, in assessing the amount of damages without a jury.

*Dictum de Kenilworth*.—The numerous Pleadings hereon, during the latter part of the reign of Henry the Third, and in the beginning of the reign of Edward the First, throw considerable light on the history of the turbulent reign of the former monarch.

*Error*.—Much curious learning, relating to cases of Error, from the Common Pleas, and from Ireland, to the King's Bench; and from the King's Bench to the Parliament, occur in many parts of this Work.

*Fines*.—Numerous Decisions also occur as to the Doctrine on Fines.

*Gavelkind*.—Under this head considerable information is to be met with respecting this ancient Tenure, and the mode of converting it into Freehold.

*Heirs*, and the Proofs of their Age, and Pedigrees.—These several titles will be found serviceable to the Genealogist and Historian.

*Historical Facts*, relating as well to the Rebellion and Insurrections under Simon de Mountford, the Despencers, Andrew de Harcla, Thomas Earl of Lancaster, and others; as also to the Battles of Lewes and Evesham, and the Incursions of the Scots into Durham and Yorkshire; with the submission of John, King of Scotland, to Edward the First, are to be found under their various heads in the Index.

*Honours and Baronies*.—These titles have been classed alphabetically, for the purpose of more ready reference.

*Judgments*.—The Reasons and Causes of Judgments,

pronounced by the Courts, will be found, in cases of difficulty, to have been entered on record.

*Jurisdiction.*—The Jurisdiction of the Ecclesiastical and other Inferior Courts is decided upon and ascertained.

*Juries.*—It will be seen that Jurors were often required by the Court to state the reason for their verdict. Special Verdicts were not unfrequent: and under the titles of *Attaint* and *Certificate of Assise*, it will be also observed, that Verdicts were many times called in question, reviewed, corrected, and set aside.

*Liberties and Privileges* of Corporations, Towns, and Villages, are allowed and established.

*London.*—The Customs of this City, and many Historical Facts relating to it, appear under that head.

*Measures of Land.*—The ancient Measures of Land, and their various Contents, are to be found under the titles of—*Carucata*—*Hide*—*Feodum Militis*—and *Per-tica*.

*Obsolete Words.*—Many obsolete Words and Law Terms are to be met with throughout the Work, with their several interpretations.

*Practice.*—The Rules observed in the Practice of the Courts, as well in Actions Real and Personal, as in other instances, are arranged under that head.

*Prerogative.*—The Rights and Prerogatives of the Crown are in many instances taken notice of.

*Privilege of Courts*—and *Punishments for Contempts.*—Of the strict attention paid to the maintenance of the dignity and the respect due to the King's Courts and his Judges, numerous instances are to be found, in the severe and exemplary Punishment of Persons in Cases of Contempt; even the Prince of Wales, Son of Edward the First, did not escape punishment and censure for an act of this sort: he was banished by his father from his

palace, upwards of half a year; and was not allowed access to his presence till he had made a suitable atonement to one of the Judges for his violent language towards him, p. 256. The Official of the Archdeacon of Norfolk was committed to the Tower of London, for executing Ecclesiastical Process in the Royal Palace at Westminster, 8 Edw. I. p. 321. And Henry Lord Beaumont was committed to the custody of the Marshal, for refusing to give his advice, and for contemptuous demeanor in a Grand Council holden at York, p. 342.

*Quo Warranto*.—Pleadings upon Writs of *Quo Warranto* were in common use so early as the tenth year of Richard the First.

*Records of the Kingdom*.—During the turbulent part of the reign of Edward the Second, when Roger Mortimer and others were committed to the Tower, the preservation and arrangement of the Public Records<sup>(1)</sup> were esteemed a Work of such national importance, that all impediment to the Persons employed under the then Special Commission, to arrange and calendar the Records, was expressly provided against, *Rot. Claus'* 16 Ed. 2 m. 19 d—and the Instrument constituting Stephen de Segrave Constable of the Tower, enjoins him not to hinder or disturb the King's Officers from entering the Tower, for the purpose of surveying and arranging the Treasure Rolls, and other Remembrances therein, as had theretofore been used and done. “Et le dit Mons<sup>r</sup> Estephene ne destourbra ne empeschement ne mettra que les Ministres nostre dit Seignur le Roy ne p'ont entrer en le dite

(1) [See *ante*, p. 17. A statement of measures taken in ancient and modern times, for the preservation and arrangement of the Records, will be found in Mr. Bayley's *History and Antiquities of the Tower of London*, p. 225, *et seq.* The three volumes of *Savage's Librarian*, to which reference is occasionally made for information upon this subject, contain only copious extracts from the Report of the Commons' Committee of 1800.]

Tour pur le Tresor Roulles et autres Remembrances en icele surveer & adrescer auxi come il ad este cea en arriere usez & fait." Mic. 17 Ed. 2, Rot. 37, p. 343.

*Statutes and Ordinances.*—Many of these are recorded on the Rolls of the Court of King's Bench, together with the Writs directed to the Sheriffs of Counties to proclaim and enforce the observance of them.

*Trial by Domesday.*—In cases respecting ancient Domesne, frequent references will be found to have been made to that venerable Record, wherein the mode of Pleading it is set out in the Abstract.

*Trial by Domesday of Chester.*—In the Archives of the Earl of Chester there formerly existed a Roll, denominated *The Domesday of Chester*; the Entries in this Roll were esteemed of high authority, and perhaps conclusive evidence: for in an Assize of Darrein Presentment in the county of Chester, A° 38 Hen. III. between Roger de Sanbach and the Abbot of Deulacrese, as to the Church of Sanbach, removed by certiorari into the King's Bench, the Court, amongst other grounds for pronouncing their judgment, give the following reason: "Et quia convictum est per Domesday Cestr' quod perpetuam habet firmitatem & omnia que in eo continentur in perpetuum sunt stabilia in quo continentur quod, &c. consideratum est," &c. Hil. 38 Hen. III. Cestr' Rot. 10, p. 142.

*Trial by the Roll of Winton.*—Which existed so late as the reign of King John; for in the first year of that King's reign, the Abbot of Saint Edmund in Suffolk, in a Complaint against John de Wechesham, for erecting a Gallows within the Abbot's Liberty, in setting out his title to such Liberty from the time of Edward the Confessor, concludes it with these words; "Et preterea ponit se super Rotulum Wintonie," &c.

*Trial by Duel.*—Many interesting particulars touching this Mode of Trial, in Criminal and in Civil Suits, are to be found herein.



*Trial by Ordeal*.—This species of Trial, by Fire and by Water, appears to have been in frequent use so late as the fifteenth year of King John. *Midd. & Kanç' Rot.* 20, p. 90.

*Writs of Right* and other Real Actions.—There are many interesting Pleadings under these heads, worthy the attention of the Lawyer and the Antiquary.

A copious *Index Rerum*, prepared by Mr. Illingworth, under the like superintendence and revision of the Right Honourable George Rose, has been added to the Work. (2)

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[*From Manuscript Collection.*]

*Abbreviatio Placitorum*.—The Work bearing this title is an Abstract or Calendar of the Proceedings in *Curia Regis*, in the reigns of Richard the First and King John, and of the Pleadings in the King's Bench and Common Pleas, after the separate establishment of those Courts down to the reign of Edward the Second inclusive, preserved in the Chapter House, Westminster.

Although this volume was not completed for publication before the year 1811, it was one of the first Works which the Commissioners on the Public Records ordered to be printed, and the great value of the Documents to which

(2) ["This volume (the *Abbreviatio Placitorum*) affords insight into many very curious points of ancient law and parliamentary history."—*Retrospective Review*, vol. ix. p. 216, note.

The same note contains a succinct account of several other public Records, forming "the principal storehouse of local antiquities, and made accessible to public use by the labours of the Record Commissioners."]

[*Abbreviatio Placitorum*.—"Besides throwing light on the early Constitution of Parliament and the *Concilium Regis*, these Records abound in curious matter illustrative of the general History of the country, of the descent of landed property, and of the manners and state of society in the twelfth and thirteenth centuries." "Singular as it may appear, this very useful volume has, comparatively speaking, been but rarely consulted."—*Nicolas on the Public Records*, p. 45.]

this volume forms a copious and useful reference, justly entitled it to that attention; for it contains a vast variety of important information illustrative of the early history of our Courts of Judicature, as well as the Laws and Customs, and the Constitution of the Country. These Records are frequently referred to, and of great consequence in questions respecting Rights of Civil and Religious Corporations, and of Individuals connected with Real Property; and to the Antiquary, the Historian, and the Lawyer, they form a source of general and valuable information.

[From Manuscript Collection.]

*Abbreviatio Placitorum.*—In this work are contained the most material Pleadings and Judgments in the King's Court, and before the Justices itinerant, &c. It commences with 6 Ric. I. and is carried down to the end of Edw. I.

It is apprehended that this volume will be not only a valuable acquisition to the Antiquary but to the Lawyer also, and that it will much facilitate a better understanding of the Year Books. (3) (4)

(3) ["The pleadings in our several courts, and the judgments thereon, have been preserved for many centuries, and are entered on Rolls, the greater part of which are called *Placita* Rolls; they give the most important information upon every subject, respecting which men wage legal war with each other, and among these subjects are most especially to be enumerated, the claims to lands, honours, and baronies. Hid in the dust of ages, not known to exist, or known at most to few besides their keepers, a great part of the *Placita* was useless, until of late years, when the Commissioners of Public Records brought them to light, and by the noble publications which they have given to the world of part of them, and the admirable Indexes of Persons and Places, have fully justified the assertion in their preface, of their having been made, amongst other advantages, 'serviceable to the genealogist and historian, for the proofs they contain of heirs, their ages, and pedigrees.'"]—*Grimaldi, Origines Genealogicæ*, p. 90, 91.]

(4) [The ancient *Placita* of Ireland begin with the 36th year of Henry III. See

[*From Manuscript Collection.*]

*Rolls of the Curia Regis.*—The following is the substance of the Report of a Committee of the Commissioners on the Public Records, appointed to consider the utility and expediency of collecting and publishing the Constitutional Records from the Conquest to the reign of Edward the First, so far as such Report relates to the Rolls of the *Curia Regis*.

The Committee, after observing that some of such Rolls pointed out to their inspection were obviously in the last state of decay, and most in a condition which required instant attention, reported, that it had been stated to them that these Rolls have never been printed, and that the *Abbreviatio Placitorum*, printed under the authority of the Record Commission, contains only the Abstracts and Selections made by Agarde in the reign of Elizabeth, which are extremely defective, and in proof thereof the Roll of the 10 Ric. I. was produced to them, which is wholly unnoticed in that volume. Another Roll, that of the 7 and 8 of John, was casually selected for inspection by the Committee, and on examination the first membrane

the classified schedule.—*Reports from the Commissioners on the Public Records of Ireland*, vol. ii. p. 79.

“The Plea Rolls, besides comprising a History of the Law in this Kingdom (*Ireland*) down to Charles I., afford valuable Information relating to the country in general ;—they consist of Pleas of the Crown, Assize of Novel Disseisin, *Mort d’Auncestor*, Inquisitions, Pleadings in Real Actions respecting Manors, Lands, and Hereditaments, many of them anciently the property of the Crown and Church ; Prosecutions for Trespasses in Royal Forests, Actions of Dower, Waste, Writs of Right of Advowsons, Darrien Presentment, *Quare impedit*, and Certioraries from inferior Courts. They also contain enrolments of the Appointments of the Justices and Officers of the Courts, Charters, Patents, and Deeds, with many articles of a miscellaneous nature, which may be attributed to the practice that prevailed at an early period, of making such Records, in a great measure, Journals of all proceedings in the Courts.”—*Ibid.* p. 77. See also *ibid.* vol. i. p. 413.]

of that Roll appeared to contain twenty-nine Entries on the face and eleven on the back. Of the first twenty-nine one only is noticed in the *Abbreviatio*, and that in an abridged form. Of the other eleven one is given *verbatim*, and the others wholly omitted.

It is stated in the Appendix to the Report of the Committee on Public Records in 1800, that these Proceedings are not sufficiently perfect for publication, and that many complete specimens of them are contained in the notes to Madox's *History of the Exchequer*. But the Committee of the Commissioners found that although the outer membranes of these Rolls are undoubtedly in several instances much damaged and decayed; yet far the greater part of them are in a state which will admit of repair and transcription (4). The specimens above alluded to as published by Madox, they remark, are only two Entries, and would not together amount to a single page.

The Committee considering the value of these Records, and of others under the same class, whether in a constitutional, historical, or political view, their high antiquity, and their present decay, and the danger of their sustaining further and irreparable injury, considering also that of the documents of this description known to exist, a small proportion only has in any form been made public, or even authentically transcribed, recommended that all such documents should be forthwith transcribed, collated, and prepared for the press, (5) and that such as may have been

(4) [The Commissioners on the Public Records have lately directed that these Rolls should be repaired and bound.]

(5) [A century ago Mr. Lawton, the Keeper of the Records in the Chapter House, advised that all the special judgments in the Rolls of the *Curia Regis*, King's Bench, and Common Pleas, should, with the pleadings, be literally transcribed and published. He observed that as this copy would be made from the Records themselves, so it would be more authentic, more useful, and less troublesome, than the volumes of Year Books and Reports, often uncertain in the state of facts, and often mistaking the Record: and that this work, which

heretofore published either in part, in abstract, or entirely, should be specified. They observe in conclusion, that it will be then for the Commissioners to determine, according to the pecuniary means which may be placed at their disposal, the extent to which it may be expedient to print such transcripts and the time which should be taken up for that purpose; and that if these authentic Transcripts are in the meantime lodged in the British Museum, they will there be open to the use of all persons who may have occasion to consult them, and their contents will be placed beyond the probability of destruction either by decay or accident (6).

would be very valuable when finished, in regard both to the law and the history of the nation, might be brought to perfection in a reasonable time, by adding two clerks to the three then employed, and a person to remove and clean the Records.—*Report from the Committee appointed to View the Cottonian Library, &c.*; *Reports from Committees of the House of Commons*, vol. i. p. 509.]

(6) [Respecting the Rolls of the Curia Regis, see also *Appendix to First Report of Select Committee of the House of Commons on the Public Records*, p. 37.; *Crimaldi, Origines Genealogicæ*, pp. 92. 96; *Jones, Index to Records*, Preface, p. xxii.; and *Ayloffe, Calendars of Ancient Charters*, Introduction, p. xii.]

### SUPPLEMENTAL NOTE.

*Description of the early Pleas of the Crown—Suggestions for Printing the same in English—List—Extracts.*

[*From Manuscript Collection.*]

THE Pleas of the Crown comprehend all crimes and misdemeanors wherein the King (on behalf of the public) is the plaintiff, and are defined by Sir Matthew Hale to be of two kinds, first, Pleas of the Crown in matters criminal, and, secondly, Pleas of the Crown in matters civil, namely, of "Franchises and Liberties." Of the former kind Sir Matthew Hale has treated most elaborately in his learned work, *Historia Plac. Coronæ*, from which it also appears he intended to write

a third book, comprising the second class, but he never carried his intention into effect. We must, therefore, refer to the more ancient law writers on this subject, such as Bracton and Fleta, for a description of the nature and import of the proceedings contained on the early Rolls of *Placita Coronæ*.

Madox, in his History of the Exchequer, states, that Pleas of the Crown were holden as early as the 16th year of King Henry the Second; but none of these proceedings of the justices in Eyre, as regards these Pleas, can, it is believed, be traced, except those that are briefly entered on the Pipe Rolls and referred to by Madox. The earliest Roll of Pleas of the Crown is probably that of the 4th year of King Henry the Third.

Previously to the Statute of *Magna Charta* the Pleas of the Crown appear to have been frequently holden before the Coroner, whose duty it was to make presentments to the justices in their iters of all franchises and liberties claimed wrongfully, or usurped upon the Crown; but this Statute forbids that any coroner, sheriff, or bailiff, &c. shall hold such pleas, and the duty of the coroner is subsequently regulated by statute, 4 Edw. I., *De Officio Coronatorum*.

The presentments made to the judges in their iters during the time of Henry the Third were but of a very limited nature, as appears from the Rolls themselves, and from the old Articles of Inquiry, called in Bracton *Capitula Itineris*, which were delivered in charge to the hundredors by the judges, with little variation, until the reign of King Edward the First, when the *Nova Capitula Coronæ et Itineris* were issued by the Crown under various commissions, which are also collected by Fleta under the title *De Capitulis Coronæ et Itineris*. These were subsequently regulated by the statute "for new Articles of the said Pleas:" and as the nature and contents of the *Placita Coronæ* and Assize Rolls will be best illustrated and understood by a reference to that statute, it may be advisable to add an analysis of the same, directing the various inquiries and presentments to be made, which are as follow, viz.:—

"Here begin the new Articles of the said Pleas, made in the time of King Edward."

*Of—the King's Demesne Manors.—King's Fees.—Lands in ancient Demesne, alienated by freemen or bondmen.—Terms upon which Hundreds, &c. let.—Suits and Services, &c. withholden, &c.—Claim of Return of Writs and other Liberties.—Exercise of Liberties.—Grants of detrimental Liberties.—Usurpations of Chases and Warrens.—Contemnners of the King's Command.—Purpreatures.—Knights' Fees, &c. alienated to Ecclesiastics, &c.—Sheriffs, Bailiffs, &c. bribed or negligent.—Improper Amercements made.—The Sheriff's Tourn.—Fines for Redisseisin, &c.—Oppressions of Office.—Extortionate Bailiffs.—Distresses to take up Arms.—Undue execution of Writs.—Gaolers suborning Provers, permitting escape of Felons, or extorting for Bail.—Corruption, &c. in Office.—Insufficient Extents.—The undue sale or concealment of Wardships and Marriages.—False Inquests, &c.—Seizure and restoration of Lands, &c. &c. &c.*

The Articles contained in the *Capitula Escaetrie* to be found in the Statutes at large, vol. i. p. 238, also contain instructions for many of the returns appearing on these Rolls.

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With respect to the mode of publishing the *Placita Coronæ*, it is recommended that the same should be published in English, as the means of rendering them more available for public use; for although the *Quo Warranto*, and Hundred Rolls, as published, are of undoubted utility to the antiquary, yet from the circumstance of their being printed in the very abbreviated and antiquated law Latin of the time, they are almost a dead letter for general public utility, being understood, comparatively speaking, but by very few persons; and as far as regards their legal applicability to the rules of evidence for supporting prescriptive and other legal rights, they are accessible only to those few persons, who have devoted their time and attention to this particular branch of the legal profession. But if the *Placita Coronæ* and Assize Rolls should, as above suggested, be published in English, it is apprehended there would scarcely be a person of family, or possessing real property, who would not be

able to trace therein some evidence of his pedigree, or of the ancient rights, privileges, and franchises formerly attached to the property he now enjoys.

It is admitted, however, that many of the presentments and proceedings on the *Placita Coronæ* are also to be found upon the *Quo Warranto* and Hundred Rolls already published; but a vast fund of information illustrative of the laws, customs, and history of the country is to be found upon these Rolls, which is not mentioned on those already printed, as witness the instance adduced below of Newport in the Isle of Wight, the name of which town is not even mentioned, either on the printed *Quo Warranto*, or Hundred, Rolls; nor are the privileges of Yarmouth, set out below, to be found upon the *Quo Warranto* Rolls, and many hundred instances of the same kind might be produced. It is therefore further recommended, that a selection from the *Placita Coronæ* and Assize Rolls should be made, and printed in English, of all matters not of a criminal nature, with a marginal reference to be made to the *Quo Warranto* Rolls, where some of the same liberties are to be found. This would tend to a mutual explanation of both species of Records, and render the whole available for public use. It is also further recommended that the same be printed in the form now in use for the modern editions of the Statutes, as the costly and ponderous mode of printing many of the Record Works has deterred many persons, as well in the profession as others, from purchasing the same; and the same even when obtained, from their weight and size, are rendered very inconvenient for the purposes of reference.

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The only reference made to the *Placita Coronæ* in the Reports of the Select Committee of 1800 on the State of Public Records is at page 38, where it is stated, that the *Placita Coronæ*, from the 10th year of Henry the Third to the end of Edward the Third, are kept in the Chapter House; and the reason why they have not been more particularly referred to is, it is apprehended, that the *Quo Warranto* and other Rolls, which were formerly fully abstracted by Peter Le Neve, Ar-



thur Agarde, and J. Lowe, clerks in the Chapter House, have been lately printed, and the same, through a mistaken idea, are supposed to contain most of the information to be found in the *Placita Coronæ*.

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The following is a list of part of the *Placita Coronæ* preserved in the Chapter House, Westminster:—

**BEDFORD:** *Placita Coronæ, temp.* 4 Hen. III.; 4 usq. 37 Edw. III.

**BERK:** *Placita Coronæ, temp.* 12 Edw. I.; 22 usq. 27 Edw. III.

**BUCKS:** *Placita Coronæ, temp.* 14, 27 usq. 32 Edw. I.: 6 Edw. II.; 6 Edw. III.

**CAMBRIG:** *Placita Coronæ, temp.* 12, 14, 42 Edw. III.; 8 Hen. VI.

**CORNUB:** *Placita Coronæ et presentationes de Feloniis, temp.* 28 et incert' Edw. III.

**CUMB:**

**DREBY:** *Placita Coronæ, temp.* 4, 15, 17, 22 usq. 25, 41, 45, Edw. III.; 3 usq. 13 Rich. II.

**DEVON:** *Placita Coronæ, temp.* 9 Edw. I.; 12, 25, 32 Edw. III.

**DORSET:** *Placita Coronæ, temp.* 16, 33, 34 Edw. I.

**EBOR:** *Placita Coronæ, temp.* 5, 15, 16, 18 usq. 22, 23 usq. 27, 35, 37, 38, 39, 40, usq. 51 Edw. III.; 5, 6 usq. 11 Rich. II.

**ESSEX.**

**GLOUC:** *Placita Coronæ, temp.* 15 usq. 34 Edw. I.; 12, 35, 36 Edw. III.; 7, 10 Rich. II.

**HEREFORD:** *Placita Coronæ et deliberationes Gaole, temp.* 30 usq. 35 Edw. I.; 20 Edw. II.; incert' Edw. III.

**HERTFORD:** *Placita Coronæ et deliberationes Gaole, temp.* 20 Edw. I.; 6 usq. 19 Edw. II.; 6 usq. 10 Edw. III.; 6, 9, 14, Hen. IV.

**HUNTING:** *Placita Coronæ, temp.* 8, 9, 27, 32 Edw. I.

**KANC:** *Placita Coronæ et deliberationes Gaole, temp.* 28 usq. 30 Edw. I.; 32 usq. 35 Edw. I.; 9, 11, 17 Edw. II.; 10, 18, 20 Edw. III.; 7 usq. 14 Rich. II.

**LANC:**

**LEIC:** *Placita Coronæ, &c. temp.* 19 Edw. II.; 16 usq. 17 Rich. II.

LINCOLN: *Placita Coronæ*, &c. temp. 9 Edw. I.; 33 Edw. I.; 4 Edw. II.

LONDON and MIDDLESEX: *Placita Coronæ*, temp. 19 Hen. III.; 2 & 3 Edw. I.; 22 Edw. I.; 33 Edw. I.; 14 Edw. II.; 3 Edw. III.

NORF: *Placita Coronæ*, temp. 34 Hen. III.; 52 & 53 Hen. III.; 14 Edw. I.

NORTH: *Placita Coronæ*, temp. 13 Edw. I.; 3 Edw. III.

NORTHUMB: *Placita Coronæ*, temp. 40 Hen. III.; 7 Edw. I.; 21 Edw. I.

NOTINGH: *Placita Coronæ*, temp. 33 Edw. I.; 3 Edw. III.

OXON: *Placita Coronæ*, temp. 25 Hen. III.; 31 Hen. III. 45 Hen. III.; 52 Hen. III.; 13 Edw. I.; 6 Edw. III.

RUTLAND: *Placita Coronæ*, temp. 14 Edw. I.

SALOP: *Placita Coronæ*, temp. 6 Hen. III.; 20 Edw. I.; 35 Edw. I.

SOMERSET: *Placita Coronæ*, temp. 27 Hen. III.; 8 Edw. I.

SOUTH: *Placita Coronæ*, temp. 20 Hen. III.; 56 Hen. III.; 8 Edw. I.

STAFFORD: *Placita Coronæ*, temp. 12 Hen. III.; 56 Hen. III.; 21 Edw. I.; 19 Edw. II.; 37, 38 Edw. III.

SUFFOLK: *Placita Coronæ*, temp. 33, 35 Edw. I.; 18 Edw. II.

SURREY: *Placita Coronæ*, temp. 19 Hen. III.; 39 Hen. III.

*Pleas of the Crown 14 Edw. I.*

*Normich.*—Pleas of the Crown before Saloman de Rochester, Walter de Hopton, Richard de Boylond, Robert Fulk, Master Thomas de Sudyngton, and Walter de Stirchealegh, Justices in Eyre of the Lord the King, at Norwich, in the county of Norfolk, on the morrow of Saint Hilary, in the 14th year of the reign of King Edward, son of King Henry.

These have been sheriffs since the last iter (to wit), Robert de Norton, who died; William Gifford; Robert, the son of John Walter de Schelfhangre, who died; Walter de Graunt-Cort; John le Bruton; William de Redham; and William de Rothyng, who is now sheriff.

These have been coroners since the last iter: John de Balbyngle, John de Estrue (and six others), and Henry de Walepole, who now are and make answer, &c.

*Yarmouth.*—Pleas of the Crown of the Liberty of the Town of Great Yarmouth, at Yarmouth, before Saloman de Rochester and his Companions, Justices Itinerant, there in the octave of Saint John the Baptist, in the 14th year of the reign of King Edward, son of King Henry.

These have been bailiffs of this town since the last iter here (to wit), Thomas Horsey, Oliver Wiz, Thomas Thurchkeld, and William de la Mawe, in the 53d year of the reign of King Henry the Third.

[Then follow the names of the bailiffs of the town from the 54 Hen. III. to 14 Edw. I.]

These have been the coroners in this borough since the last iter (to wit), Richard de Nelesherde, who died, and John de Burgh, who now is, and answers for himself and the aforesaid Richard.

The jurors present that this town is the town of the Lord the King, and that the burgesses of the same town hold it of the Lord the King at fee farm for £55., which they pay at the Feast of Saint Michael to the Exchequer of the Lord the King; and in the same borough they claim to have return of their writs, estreats, &c., and thereof to answer at the Exchequer by their own hands; and to have gallows, thol, theim, infangenethief, and outfangenthef, view of frank pledge, pillory, tumbrell, a market every week, and a fair every year, to continue from the Feast of Saint Michael to the Feast of Saint Mark. Also they claim that the justices of the Lord the King when they shall happen to go their iter in the county of Norfolk do plead the pleas of the Crown, and all other pleas touching the aforesaid borough, within the aforesaid borough, and this by charters of the Kings of England, to wit, of John, of Henry father of the present Lord the King, confirmed by charter of the present Lord the King; and they make profer of the charter of the said now Lord the King, in which it is contained, that the said Lord the King that now is hath granted and confirmed to them all the

liberties aforesaid, granted by his predecessors Kings of England, &c.

*Lynn*.—The jury present that the bishop of Norwich, Robert de Tateshal, and Roger de Mohaut claim to take toll in this borough, viz.

For every 40 skins, *2d.* For every 100 of wax, *4d.*

Toll for divers fish.

Toll for cattle—for wine—wool.

Toll for ships, boats, &c.

Toll for very many kinds of merchandize therein specified.

And the aforesaid bishop, Robert, and Roger come, and the bishop says that he found his church seized of the aforesaid toll, to be taken as aforesaid, and Robert and Roger say that their ancestors died seized thereof, and the jury upon this testify the same; and as well the aforesaid bishop, as the aforesaid Robert, and Roger, as concerns the toll of cheese, butter, tallow, fat, and things of this sort, from henceforth shall claim no toll to be taken therefore, unless such things be sold in gross. [Further directions are then given for taking certain tolls, &c.]

[NOTE.—These Rolls are replete with evidence of ancient tolls that were taken in divers towns, boroughs, and cities, not to be found in detail, as here set out, on any other species of Record, though often returned in the aggregate on the Pipe Rolls, as comprising part of the fee-farm rents paid to the Crown, for such towns, boroughs, &c., and would, it is apprehended, in many cases furnish evidence to support a prescriptive right to many of the tolls taken at the present time.]

*The Hundred of Humitred, Norf*—come by 12 Jurors.—[Presentments by the jury of various felonies, trespasses, and misdemeanors committed in the vills, towns, hamlets, parishes, manors, &c. in the said hundred, furnishing evidence of the situation, locality, extent, and jurisdiction of these places within the hundred.]

Of purprestures, they say that the river at the bridge of Hertford was accustomed to run by a different course, and to pass through the middle of the bridge without any obstruction, but now the course is diverted by the King's bailiffs of the

county of Norfolk. [The sheriff is directed to abate the nuisance, and to turn the water into its proper course.]

[NOTE.—Every kind of purpresture, nuisance, or incroachment is presented on these Rolls, with directions to alter the same. The boundaries of premises are often set out in these presentments.]

Of liberties, they say that the prior of Norwich claims to have pillory in his manor of Etone, and view of frank pledge, and amendment of the assize of bread and beer, and also in his manor of Lakeham; and the Abbot of St. Benedict claims in his manor of Hegham, view of frank pledge, and amendment of the assize of bread and beer, and this in the presence of the bailiff of the Lord the King; so that the Lord the King therefore do receive two shillings annually.

[Many other presentments are made of various liberties claimed in divers manors in this hundred, upon which the jury adjudge that some have been enjoyed from the time whereof memory is not to the contrary, but others they know not by what authority.]

[Hugh de Peverell claims to have free warren in his demesne lands in Great Meanton and Braken, for which he shews the King's charter.]

Of serjeancies, they say that Eustace de Corsun and others hold thirty acres of land in the town of Karleton, worth per annum 30s., by serjeancy of bringing to the Lord the King, wheresoever he be, &c., twenty-four parcels of fresh herrings, &c. And also they say that Ralph de Herlam holds the manor of Herlam, worth 40l., by serjeancy of finding in the castle of Norwich one cross-bow man, in the time of war, for forty days at his own proper costs, and the same is rated at the Exchequer, per annum, at 40s., &c.

[NOTE.—Many tenures by serjeancy and other tenures appear upon these Rolls.](7)

The jury present that Langeham and Etone are of ancient demesne of the Crown of the Lord the King, and are worth per

(7) [See note, page 257.]

annum, &c., and that the prior and convent of Norwich as such hold the same, they know not by what warrant; and the prior by his attorney saith, that he found his church seized of the manors aforesaid, and the jury testifieth the same.

As yet of liberties, they say the prior of Wymundham claims to have view of frank pledge in his tenements, in the town of Nelonde, Brakene, and Wenmyngham.

[Fairs and other liberties are claimed in towns in this hundred, which are either allowed or disallowed by the jury, upon the Charters, &c. for the same being produced.]

Of wines, they say that Richard Ryngebelle hath sold two casks against the assize, &c.

Of measures, they say that the burgesses of Thefford have received all kinds of corn coming to the market of Thefford by the heaped up measure, whereas they ought to buy and sell by the rase measure, &c.; and they are forbidden from henceforth to buy any kind of corn except by the rase measure, according to the custom of the realm; and it is commanded to the sheriff, that from henceforth he do not permit them to buy or sell by any measure except according to the custom of other markets of this county.

The jury present that a certain person unknown was taken at Hokham, in the manor of Dionisius *de Monte Cavisio*, and being brought there in full court, and without suit of any one, was there suspended (or hung); therefore it is commanded the sheriff that he cause the said suitors of the court aforesaid, and the said Dionisius to come, &c. And afterwards they came by their attorney, &c., and say, that the aforesaid unknown person was taken for breaking into the house of a certain Matilda Andrews, in Hocham, and that he stole her goods; and that at the suit of the said Matilda he was taken and there hung, &c. And this they pray may be inquired of, and the jury testify the same, &c.

*The Hundred of Shropham, Norf.*—[The abbot of Becko and the prior of Theford claim many privileges and franchises in the manors of East Wrotham and Kymardeston, &c.;] and they say that they found their churches seized of the same liberties.

And *Dionisius de Monte Cavisio* claims to have a market every week on Wednesday, in his manor of Hokham; and a fair every year, to continue for five days (to wit), from the vigil of the day and morrow of the nativity of the Blessed Mary, and for two days following; and he saith that the Lord King Henry, father of the now Lord the King, granted to him and his heirs the aforesaid market and fair by his charter, of which he makes profer, and which testifieth the same; and he saith that the same have been fully used since the making of the charter aforesaid without interruption, and the jury testifieth the same; therefore as to this he shall go without day, saving the rights of the Lord the King. And also the same *Dionisius* claims in the same manor of Hocham, view of frank pledge, amendment of the assize of bread and beer, and tumbrell, as well of the tenants of others, in the same vill, as of his own tenants; they know not by what warrant.

The jury present that *Ranulfus*, formerly Earl of Chester, held a certain tenement in Shropham, and gave the same to a certain *Ulketel le Prestre*, his servant, to hold of the same Earl by service of paying two marks yearly to him and his heirs, which same service the said *Ulketel* rendered to the aforesaid Earl during his whole life; and after him *Ulketel*, a certain *Richard* his brother did the same service to the aforesaid Earl during the whole life of the said Earl: and afterwards the Earldom of Chester came to the hands of the Lord King Henry, father of the present Lord the King, from which time a certain *Henry*, brother of the aforesaid *Richard*, hath witholden the aforesaid rent of two marks from the Lord King Henry (to wit), for forty-eight years last past, and *Andrew de Hengham* now holds the same tenement, and the aforesaid two marks subtracted. Afterwards came the aforesaid *Andrew* and said, that his ancestors died seized of the same rent; and the jury testify the same.

The jury present that *Robert de Tateshal* holds this hundred at fee-farm of the Lord the King, and renders therefore to the Lord the King half a mark annually for blanch farm, and it is worth per annum 15*l.*: they know not by what war-

rant. And Robert de Tateshal comes and says, that Robert de Tateshal, his grandfather, and Robert de Tateshal, his father, died seized of the aforesaid hundred with the liberties aforesaid; and the jury testify the same; therefore the Lord the King may have a writ if he willeth. And it is commanded to William de Giselham, &c.

[The same roll.—Many claims of free warren in divers manors, which are allowed on production of the charters before the justices itinerant.]

*The Hundred of Gyldecros, Norf.*—The jury present that Roger de Monte Alto holds the manor of Kenynghall (which is worth per annum 100*l.*) *in capite* of the Lord the King. And also the same Robert holds this hundred, which is worth per annum 14*l.*, and renders for the same to the Lord the King annually 40*d.* And in the same hundred he claims to have view of frank pledge, amendment of the assize of bread and beer, gallows, and waif, they know not by what warrant. And Roger comes and says, that he holds the aforesaid hundred, with the liberties aforesaid, by descent as of inheritance, and that his ancestors died seized thereof, with all the liberties aforesaid; and the jury testify the same. Therefore the aforesaid Roger as to this shall go without day, saving the right of the Lord the King, &c.

The jury present that John de Baa, parson of the church of All Saints, of Gerbandeston, impleaded William of Norwich, in Gatesthorp, and Hugh le Panniu, of Gerbandeston, at Horneye, out of this county, and often summoned them before the prior of Kersey, and when they came there on the day appointed in the summons, there was no judgment, nor adverse party appeared against them, and so they as above, &c. were vexed, and troubled, when in the Court of the Lord the King justice might have been had of them, if in any thing they were delinquent; and this was done for extorting of money from them: therefore it is commanded the sheriff, &c. And the sheriff testifieth that he hath not a lay fee in his bailiwick: therefore it is commanded to the Bishop of Norwich that he bath his clerk here on, &c. Afterwards because it appeared to



the justices that the presentment aforesaid did not belong to any chapter, therefore nothing at present.

Of dower, they say that Hawesia, who was the wife of John le Mareschall holds the manor of Banham, which is worth per annum 40*l.*, in dower, of the inheritance of John le Mareschall, who is within age, and in custody of the Lord the King, and is marriageable. And the twelve jurors find concealment against the aforesaid Hawesia, therefore she is in mercy.

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*Pleas of the Crown, 8 (& 9) Edw. I.*

Pleas of the Crown before Saloman de Rochester, and his companions, justices itinerant, at Winchester, in the county of Southampton, in eight days of St. Martin, in the 8th year of the reign of King Edward, beginning the 9th. \* \* \*

Pleas at Southampton before the aforesaid S. de Rochester, and his companions, in fifteen days from the purification of the blessed Mary, in the 9th year of the reign of King Edward. \* \* \*

*The Hundred of East Medine, Isle of Wight.*—The hundred of East Medine—come by twelve jurors. The jury present that William de la Mare, Henry le Clerk, Robert Nynysus, William le Payntor, and William le Fraunceys, bailiffs of the borough of Newport, have taken toll for all things sold in the Isle of Wight, as well out of their borough as within, whereas they ought not to take toll but within the borough aforesaid. And the aforesaid William and the others say, that this toll belongs to their farm of Newport, which they hold of Isabella de Fortibus, Countess of Albemarle, without which they would not answer therefore; and hereupon comes the aforesaid countess and saith, that she and her ancestors, from the time whereof memory doth not exist, have been accustomed to take toll within certain metes out of the borough, and in certain metes within—that is to say, from the north part of the town of Newport unto the sea for three miles in circuit, and on the east part for six miles unto the sea, without the liberty of the Abbess of Wherewell,—on the south part for four miles in circuit unto the sea, and on the west part for four miles unto the bridge which is called Crockbridge, without the liberty

of the Bishop of Winchester, at Sweyneston. And the twelve jurors say upon their oath, that a certain Baldwyn *de Insula*, grandfather of the aforesaid countess, gave to a certain William de Besun, and William de Cheverdon, his bailiffs, the aforesaid toll, by them thereof approved, and from that time always taken within the metes aforesaid; but before that time it was accustomed to be paid only for things sold within the borough aforesaid. Therefore for judgment.

*The Hundred of Freshwater, Isle of Wight.*—The hundred of Freshwater—come by twelve jurors.—Of serjeancies they say that Robert Agulon, and Margaret his wife, hold the manor of Freshwater, by name of dower of the same Margaret, as of the inheritance of Isabella *de Fortibus*, Countess of Albemarle, by serjeancy of finding one knight, with horse and arms, for the army of the Lord the King when he shall happen to go with his army into Gascony, and one servant when he shall happen to go into Wales with his army, for forty days, at their own proper costs. And the jury inquiring if there be any thing in arrear to the Lord the King for the service aforesaid, and if the same Robert hath done his service in the last going of the army into Wales, say there is nothing in arrear for the services aforesaid, and that he hath done, &c.; and that the manor with the hundred is worth per annum £40.

Of the lands of the Normans.—They say that the abbot of Lyra holds certain land in Freshwater which belonged to a certain William, the son of Osbert, a Norman, as an escheat to the Lord the King of the lands of the Normans, which is worth per annum 40s. And the abbot comes and says, that he found the abbey seised of the tenement aforesaid, and the jury testify the same, &c.

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*Pleas of the Crown, 3 Hen. III.*

*The Hundred of Mannesheved, Bedf.*—Of treasure trove happening after the departure of the justices from Bedford (to wit), on the day of Saint Stephen, when Roger Crundel and Stephen, the son of Gilbert, in the night-time dug a certain pit to bury a certain body, in the burial ground of Husseborn, they found

a certain brass dish or plate, and under the plate an earthen pot, and in the pot six plates of gold and one chain of gold, and one cross partly of gold and partly of silver, &c.

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[NOTE.—The Commissioners are in possession of a small collection of curious tenures, by serjeantcy and otherwise, extracted from the original Pleas of the Crown and the *Placita de Juratis et Assisis*, and never yet published. It seems that the researches of Blount and his editor, Mr. Beckwith, in the original Rolls were extremely partial and imperfect.]

## CHAPTER IX.

### THE TESTA DE NEVILL.

ACCOUNT of the Exchequer Books called TESTA DE NEVILL, sive LIBER FEODORUM, Temp. Hen. III. and Edw. I.

[*From the Preface to the Work.*]

IN the King's Remembrancer's Office of the Court of Exchequer are preserved two ancient books called *The Testa de Nevill*, or *Liber Feodorum*(1), which are described in the Return of Abel Moysey, Esq. Deputy King's Remembrancer, printed in the Reports from the Select Committee of the House of Commons, appointed to inquire into the state of the Public Records of the Kingdom, &c. page 138, as containing "*Nomina Villarum*, Serjeanties, and Knights Fees, in several Counties, taken by Inquisition temp. Hen. III. and Edward I." and it is there also observed, "that these two books contain compilations known by the name of *Testa de Nevill*;" and that in the cover of each book there is a memorandum in an ancient hand, of which the following is a copy; "*Contenta pro Evidencijs habeantur his in Sc'cio et non pro Recordo.*"

These books contain principally an account,

1. Of Fees holden either immediately of the King, or of others who held of the King *in capite*, and if alienated, whether the Owners were enfeoffed *ab antiquo*, or *de*

(1) [Some antiquaries think that this work is with greater propriety denominated *Liber Feodorum*.]

*novo*, as also Fees holden in Frankalmoigne, with the values thereof respectively.

2. Of Serjeanties holden of the King, distinguishing such as were rented or alienated, with the values of the same.
3. Of Widows and Heiresses of Tenants *in capite*, whose marriages were in the gift of the King, with the values of their lands.
4. Of Churches in the gift of the King, and in whose hands they were.
5. Of Escheats, as well of the Lands of Normans as others, in whose hands the same were, and by what services holden.
6. Of the amount of the Sums paid for Scutage and Aid, &c. by each Tenant.

The books appear to have been compiled near the close of the reign of Edward the Second, or the commencement of that of Edward the Third, partly from Inquests taken on the Presentments of Jurors of Hundreds before the Justices itinerant, and partly from Inquisitions upon Writs awarded to the Sheriffs for collecting of Scutages, Aids, &c.

From what circumstance they have obtained the name of Testa de Nevill is not ascertained; there are however two persons, to either of whom they may be assignable; viz. Ralph de Nevill, an Accountant in the Exchequer and Collector of Aids in the reign of Henry the Third, whose name occurs in the book, page 39; and Jollan de Nevill, a Justice itinerant of the same reign, who, as Dugdale in his *Baronage*, vol. i. p. 228, supposes, may have been the author.

The entries which are specifically entitled "Testa de Nevill," are evidently quotations, and form comparatively a very small part of the whole; they have in all probability been copied from a roll bearing that name, a part of which

is still extant in the Chapter House at Westminster, consisting of five small membranes, containing ten counties; the roll appears to be of the age of Edward the First, and agrees *verbatim* with the entries in these books. An *Index Locorum*, divided into Counties, and also a general Alphabetical Index, are subjoined to the printed volume (2).

[From Manuscript Collection.]

*The Testa de Neville.*—There are in the Exchequer three books of Knights' Fees. The first denominated the *Red Book of Fees*, and the second the *Black Book of Fees*. In these are recorded the Certificates of the Barons and Tenants *in capite* of their respective Fees sent in by them upon the levying of Scutages. The third, bound in two volumes, and commonly though erroneously called *Testa de Neville*, has invariably been recognised by the Treasurer and Barons of the Exchequer under the official title of *Liber Feodorum*, with the addition sometimes of "qui habetur in Scaccario pro evidentiâ," and on other occasions "Liber Feodorum penes Scaccarium qui pro evidentiâ et non pro Recordo reputatur." (3) This Book of Fees was

(2) ["The *Testa de Neville*, sometimes known by the name of the *Liber Feodorum*, contains an abstract, made, as it is conjectured, either by Ralph Neville, an Accountant of the Exchequer in the reign of Henry III. or by Johannes de Neville, a Justice itinerant of the same period, from Records relating to scutages and aids, to which additions were made by other diligent compilers; and it is extremely valuable, as giving a condensed and accurate view of the feudality of the thirteenth century, though, as it was intended merely as a book of general evidence, for the use of the contemporaries of the compilers, many notices, which would have been most instructive to after-times, were necessarily omitted."]—*Quarterly Review*, vol. xxxix. p. 57.]

(3) ["It seems that the *Testa de Nevill* was not deemed a Record, in the legal sense of the word, in the fourteenth century; for in the 7th Edward III. 1333, the Abbot and Convent of Croyland stated in their petition, relative to a demand made on the Abbey by the Exchequer to contribute towards the aid for marrying the King's eldest daughter, that the book called *Testa de Nevill* was

compiled about the latter end of the reign of Edward the Second, or the beginning of Edward the Third, partly from Inquests taken upon the presentment of Knights and other Jurors of Hundreds before the Justices itinerant, and partly from Inquisitions upon Writs awarded to the Sheriffs of Counties for the collecting of Escuage and Aids.

Its principal contents are an account,

1. *De Feodis, &c.*—Of Fees holden of the King, or of others who hold of the King *in capite*, and if alienated, whether the Owners were enfeoffed *ab antiquo*, or *de novo*, and Fees given or holden in Frankalmoigne, with the value thereof respectively.
2. *De Serjantijs, &c.*—Of Serjeanties holden of the King, distinguishing such as were rented or alienated, and by whom, and to whom, with the value of the same.
3. *De Dominabus et Puellis, &c.*—Of Widows (Dames) and Heiresses of Tenants *in capite*, whose Marriages were in gift of the King, which of them were married and which not; and if married, to and by whom, with the value of their lands.
4. *De Ecclesijs, &c.*—Of Churches in the gift of the King, in whose hands they were and of whom holden.
5. *De Escaetis, &c.*—Of Escheats as well of Lands of the Normans as others, in whose hands the same were,

a collection of Inquests of Office, which 'is not of record.\*' To a transcript of a portion of the Testa de Nevill, on vellum, made about the time of James I., and forming the Lansdowne MS. 257, the following note, transcribed from the original Record, is prefixed:—'Memorandum quod iste liber compositus fuit et compilatus de diversis Inquisitionibus ex officio captis tempore Regis E. filii R. H., et sic contenta in eodem libro pro evidenciis habeantur hic in Scaccario et non pro recordo.'—*Nicolas on the Public Records*, p. 51.]

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\* "Rolls of Parliament, vol. ii. pp. 70, 71, 'Une livre qe home appelle Testede Nevill assemble des Enquestes de Office qe n'est pas de record.'—'Dont ils prient a nostre Seigneur le Roy, desicome les monementz avantdit sourdout de desordines accomptes des torcenouses ministres ne sont pas de record ne tiele force q'ils puissent leur teñance en franche almoigne,' &c."

and by what service holden, and whether holden without license.

6. The amount of the sums paid for Aids and Escuage by each Tenant(4).

This *Liber Feodorum* therefore formed a collection from the pre-existing Presentments in Eyre and Inquests of Office of all the feudal tenures throughout the Kingdom, and when Aids or Escuage were required it readily furnished to the Treasurer and Barons an account, not only of the Tenants *in capite* from whom the same were demandable, but of the other profits arising from such feudal tenures. Nor was it unusual in such cases for the Court of Exchequer to deliver to the Collectors of Aids and Escuage, transcripts of this book, as instructions for their levying these respective duties. Thus for the ease and convenience of the Exchequer, and in order to save the trouble of resorting on every occasion to the original Rolls and Inquests, this Book of Fees was admitted by the Treasurer and Barons as evidence in that Court, though not esteemed by them as a Record.

It is not discoverable why this book acquired the title of Testa de Neville, though so early as the reign of Edward the Third it was commonly, yet not officially, known by that name(5). There was a Roll under that title in the Exchequer in the time of Edward the First(6), part, or rather a copy of part whereof, in the handwriting of that reign, is now extant in the Chapter House, Westminster(7). It is a Roll of five small membranes, comprising ten counties, and is stated to have been transcribed from another very imperfect Roll. It is observable that

(4) For the first five Articles, see the Articles in Eyre, also the printed *Testa de Neville*, p. 53 and 170.

(5) *Ryley's Plac. Parl.* p. 648. *Rot. Parl.* vol. ii. p. 70.

(6) *Madax's Exch.* vol. i. p. 321, note (r), col. 2.

(7) In Rageman's Bag.



wherever the extracts in the *Book of Fees* appear under the title *De Testa de Neville* such extracts agree *verbatim* with the entries on this Roll, and the whole contents of such Roll are incorporated therein. All the extracts, however, under the title of Testa de Neville are comparatively few to the other entries in the book, forming not more than one-twentieth part of the two volumes.

There was one Ralph de Neville, an Accountant in the Court of Exchequer and a Collector of the Aids in the reign of Henry the Third(8). It is not improbable he might have been the compiler of the Roll called Testa de Neville; or it was perhaps compiled by Jollan de Neville, a Justice itinerant of that reign, as supposed by Dugdale(9).

## NOTES.

### A.

Placita in Canc' in Com' Kanc' in Turri Lond No. 48, de Manerio de Seintlynge A° 47 Ed. III.

A Writ was sent to the Treasurer and Barons of the Exchequer to search the great *Book of Fees*, and the other Rolls and Memoranda of the Exchequer, as to the Manor of Seintlynge. To this Writ they returned the following Certificate into Chancery: "Scrutatis Rotulis et Memorandis de quibus fit mentio in hoc brevi comper-tum est in quodam Libro de feodis que reddunt Wardum ad Castrum Dovor' sub titulo. Hec sunt feoda que tenentur de R in capite et vocantur Pevel et reddunt Ward ad castrum Dovor' p viginti septimanas sic Kent, Wynchelyne, Sandlyne Akemere iij feoda Tenentes Wills Payforer her' Gregorij de Rokesle Johes de Mares. Scrutato etiam libro feodorum penes Scaccarium residente qui quidem Liber pro Evidentiâ et non pro Recordo reputatur sub titulo. Ad huc de feod Dni Regis tam de

(8) Vide printed *Testa de Neville*, p. 39.

(9) *Dugdale's Baron.* vol. i. p. 288, col. 2.

honore Peverelli qm̄ de honore Hagenet sic. (10) Johēs de Mares unū feodum in Acmere et in Sentlinges." Comptum est eciam alibi in eodē libro ubi inserit' in margine—"lastū de Sutton" sic. (11) Johē Mares unū feodum in Acmere et Sentling de Dño Rege de honore Boloñ."

## B.

To a Writ of Certiorari issued out of Chancery, dated the 9th Nov. A° 8 Edw. III. (enrolled Mic' Term A° 9° Rot. 35° in the Exchequer, and directed to the Treasurer and Barons, to search the *Books of Fees*, and to certify whether the moiety or entirety of the Manor of Patrikesburn, in Kent, was holden by the service of paying to the King's Castle of Rochester 12s. yearly in lieu of all service. The Treasurer and Barons returned, "Scrutato libro (12) feodorū Scōij p̄textu istius b̄ris non est comptū p̄ quod 3viciū medietas manij de Patrikesbourne tenet'. Comptum est tamen in quodam libro extracto de difsis Inquisiōibz cap̄ ex officio tempe H. pavi Regis nunc in Kane' qui het' in Scōio p̄ Evidentiā sic. (13) In hundro de Brugg medietas Ville de Badrichesburn' que fuit Radī Toisun est Eschaeta Dñi Regis et Gaufr' de Say tenet eam p̄ Dñm Regē J. et valet p̄ annū xti sine Stauro." Comptum est eciam in eodem libro sub titulo Feoda Willi de Say sic. (14) "Prior de Bello loco, Johēs de Say unū feodū in Patrichisburn."

## C.

To a Writ of Certiorari, dated the 3d Nov. A° 5 Ed. II. (in Turri Lond) to search the Rolls, &c. of the Exchequer, the Treasurer and Barons returned (*inter alia*)—"Compim<sup>9</sup> eciam in libro (15) feodorum in Essex in Testa

(10) This passage is in page 208 of the printed *Testa de Neville*, and agrees therewith *verbatim*.

(11) So this, page 214, col. 2.

(12) This meant the *Red Book*.

(13) This passage is in page 215, col. 2, of the printed *Testa de Neville*, and agrees therewith *verbatim et literatim*.

(14) So this passage, page 207, col. 1.

(15) This passage is decisive to show that the *Testa de Neville* was incorporated into this *Book of Fees*, of which it forms so small a part as before stated.

de Neville, in Hundro de Bekyntre qđ Ecclesia (16) de Haveringg est de donaçõe Dñi Regis et Rex avus dedit eam pilz de Monte jov'."

## D.

On a large Roll of twenty-seven membranes, containing a transcript of this *Book of Fees*, so far as relates to the County of Lincoln, preserved in the Chapter House at Westminster, is the following title at the head of the Roll; viz.

## Com' Linc'

Lindeseye.—" Extrac̃i de libro feodor̃ et at memorand Sc̃cij de feod Militū in Com' Lincoln' liberand collect scutag' de exercitu scocie anno primo Regis E. tercij a Conquestu in eod com' pro informaçõe hend' de eisdem scutag' levand'."

In the same Roll there are several extracts from the *Red Book* in the Exchequer, to which the following title is prefixed " Exl̃cte de rubeo libro feodor̃."

## E.

The small Roll entitled *Testa de Neyvill*, preserved at the Chapter House, contains the following counties. The entries thereon are to be found *verbatim* in this *Book of Fees* in the pages marked underneath, viz.

	Original.	Print.
Hereford . . .	vol. 1, p. 324 to 327	pages 69, 70.
Cumberland		
Devon . . . .	vol. 1, p. 836 .. 840	. . . 194, 195.
Stafford . . .	vol. 1, p. 248 .. 281	. . . 54, 55.
Salop . . . .	vol. 1, p. 252 .. 257	. . . 55, 56.
Surry . . . .	vol. 2, p. 72 .. 80	. . . 224, 226.
Sutht . . . .	vol. 2, p. 107 .. 122	. . . 235, 236.
Glouc' . . . .	vol. 1, p. 376 .. 360	. . . 77.
Oxon' . . . .	vol. 1, p. 583 .. 586	. . . 133, 134.
Sussex . . . .	vol. 2, p. 81 .. 85	. . . 226, 227.

On the dorse of the first membrane, at the end of the County of Devon, is this entry, viz.

" Non potest plus sc̃bi de Com' Devon' pp̃ defectū magnū q̃ est in R° exemplar' p quem iste scribit'."

(16) Agrees with page 267, col. 2, of the printed *Testa de Nevilla*.

And on the fourth membrane, at the end of the County of Southampton, is the following,

“Non potuit plus scribi de isto com' p̄p defc̄m in Roīlo exemplar'.”

And at the end of the Roll is written “explicit.”

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[*From Manuscript Collection.*]

*The Testa de Nevill.*—This is an account of the Scutages and Knights' Fees in the reigns of Henry the Third and Edward the First, the chief use to be derived from it is to ascertain the principal landowners throughout the kingdom at these early periods, and the tenures by which they held their estates, some of which are indeed very curious, and throw great light on the customs then in use (17).

(17) [See further *Bishop Nicolson's English Historical Library*, p. 173; *Nicolas, Notitia Historica*, p. 110; and *Grimaldi, Origines Genealogicae*, p. 54.]

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## CHAPTER X.

### ACCOUNT OF THE HUNDRED ROLLS, AND ROLLS OF QUO WARRANTO.

[*From the Preface to the First Volume of the  
Hundred Rolls.*]

THE ROLLS, officially denominated *The Hundred Rolls*, contain Inquisitions taken in pursuance of a Special Commission, issued under the Great Seal, dated the 11th day of October, in the second year of the reign of King Edward the First.

A Transcript of the commission itself, with the Articles of Enquiry from the Patent Roll of that year preserved in the Tower, is prefixed to the Collection. The Original Inquisitions for the County of Lincoln are preserved amongst the Records in the Tower of London; and those for several other counties are repositied amongst the Records of the Court of the Receipt of the Exchequer, in the Chapter House at Westminster.

For a few counties no Hundred Rolls have been yet discovered; and to supply this deficiency, it has been deemed advisable to print the Extracts of the Inquisitions for all the counties, which are entered on Three Rolls in a hand-writing coeval with the Inquisitions, and also preserved in the Chapter House: in one instance, viz. for the County of Bucks, the Answers to the Articles in the Eyre A° 39 Hen. III., hitherto officially kept as part of the Hundred Rolls of that county, have been also added.

In order to form an accurate idea of the nature of the Hundred Rolls, it will be necessary briefly to consider the

Articles usually given in charge to the Hundredors by the Justices in Eyre, the particular objects the King had in contemplation in issuing this Special Commission, the Legislative Provisions which originated from the Returns thereto, and the subsequent Pleadings in *Quo Warranto* in Eyre, which took place in consequence of some of these provisions.

It was a function of the Justices in Eyre, as well to enquire of Knights' Fees, Escheats, Wardships, Marriages, Presentations to Churches, and Usurpations of the Rights of the Crown, (in order to preserve the profitable Tenures of the King, and that he might be duly answered of the Fruits of such Escheats, Wardships, &c. which formed a material part of his revenue,) as to enquire of Oppressions and Frauds of the King's Ministers and Officers. The Justices, therefore, (as is well known,) delivered in charge to the Hundredors certain Articles called *Capitula Itineris*. (*Bract.* l. 2, fo. 116, 117.) These were not always the same, but varied as times and places required. The Articles in Bracton were given in charge, with little variation, during the reign of Henry the Third. In his 39th year, the *Annals of Burton*, 342, and the *Inquisitions for Bucks*, (page 20,) furnish an example of the changes occasionally made in them. They are fewer, though in substance many of them are similar to the Articles of the Special Commission, A° 2 Edw. I. Two Articles of the 39th Henry III. are particularly levelled against the increasing power of the Italian Clergy, and the encroachment of the Ecclesiastical on the Civil Courts.

During the turbulent reign of King Henry the Third, the revenues of the Crown had been considerably diminished by tenants *in capite* alienating without license; and by ecclesiastics, as well as laymen, withholding from the Crown, under various pretexts, its just rights, and usurping the right of holding Courts and other *Jura Regalia*.

Numerous exactions and oppressions of the people had also been committed in this reign by the nobility and gentry claiming the rights of Free Chace, Free Warren, and Fishery, and demanding unreasonable Tolls in Fairs and Markets; and again, by Sheriffs, Escheators, and other Officers and Ministers of the Crown, under colour of law.

King Edward the First, who was on his return from the Holy Land on the death of his father, did not reach England till towards the latter end of the second year of his reign, (*Rot. Claus.* 2 Ed. I. m. 5, and *Rot. Pat.* 2 Ed. I. m. 15,) and these abuses remained uncorrected till his return. One of the first acts of his administration, after his arrival, was to inquire into the State of the Demesnes, and of the Rights and Revenues of the Crown, and concerning the conduct of the Sheriffs, and other Officers and Ministers, who had defrauded the King and grievously oppressed the People. (*Annals of Waverley*, 235.)

The *Capitula Itineris* would have nearly embraced the consideration of all these abuses; yet as the circuit of the justices itinerant, who went it generally but once in seven years, would not return till the sixth year of this King's reign, it was necessary in the interim to afford a speedy remedy to the Crown and to the subject. Before, however, any specific remedy could be provided for the correction of the abuses above described, evidence was requisite of their peculiar nature and extent. The King, therefore, on the 11th October, A° 2° of his reign, appointed Special Commissioners for the whole kingdom, as appears from the Patent Rolls of that year, whereon are enrolled Thirty-five Articles of Inquiry. Twelve other Articles, not discoverable on the Patent Rolls, are to be found among the Returns, making in all Forty-seven Articles. The latter were adapted to the circumstances of the place, and some of these are applicable to maritime counties only.

After the Commissioners had, in the third year, re-

turned their Rolls of Inquisitions in obedience to the Commission of 2d of Edw. I., it was necessary for the Court of Exchequer to have in one view such parts of the Return as affected the Rights of the Crown and the Abuses of its Officers; to this end certain Rolls were drawn up containing a Selection, under the denomination of Extracts.

The Rolls of Inquisitions and Extracts being in the hands of the Treasurer and Barons of the Exchequer, the Crown was at once furnished (amongst other things) with evidence, upon the oath of a jury of each hundred and town in every county, of all

The Demesne Lands of the Crown, whether ancient, or newly acquired by escheat or purchase;

Manors, &c. formerly in the hands of the Crown, the persons holding the same, the authority, and how alienated;

Tenants *in capite* and tenants in ancient demesne;

The Losses sustained by the Crown in Military Services, and otherwise, by the subinfeudations made by such tenants *in capite*, &c.;

Alienations to the Church under pretext of gifts in frankalmoigne;

Wardships, Marriages, Escheats, Suits, and Services withholden and subtracted;

Fee Farms of the Crown, Hundreds, Wapentakes, and Tythings;

Courts, Wreck of the Sea, Free Chace, Free Warren, and Fishery, and other *Jura Regalia*;

Oppressions of the Nobility, Clergy, and other great men, claiming to have and exercise such rights;

Exactions by excessive and illegal Tolls in Fairs, and for Murage, Pontage, &c.;

Exactions and Oppressions of Sheriffs, Escheators, and other ministerial officers, under colour of law;

Unlawful Exportation of Wools, &c. &c.



The Statute of Gloucester was enacted in the sixth year of this King's reign; and the first chapter, relating to liberties, franchises, and *Quo Warranto*, was founded upon the previous inquiries under this commission. A comparison of the Hundred Rolls, and the Rolls of Pleadings in *Quo Warranto* of Edw. I., wherein the usurpations presented by the Hundredors are inquired into, fully justifies this conclusion.

Immediately after the passing of the Statutes of Gloucester, the stated period of the Circuit in Eyre returned; and on the justices going their iter, Writs of Right and of *Quo Warranto* issued very generally against such persons as claimed manors, liberties, &c. where the jurors had previously said upon oath before the inquisitors, A° 3 Edw. I., *Nesciunt quo Waranto* the parties held or claimed; and again, where they said the party held or claimed *sine Waranto*, in such case a writ sometimes issued, but the party usually came in upon the General Proclamation, (directed by the statute,) without any special Writ of *Quo Warranto*. The entry in the former case being "A. B. summonitus fuit ad respondend' Dñō Regi quo waranto," &c. and in the other "Presentatum fuit aliās coram Inquisitoribus Dñi Regis quòd A. B. clamat, &c. sine waranto." The Hundred Rolls for the counties of Gloucester and Lincoln, A° 3 Edw. I., afford a stronger instance of the connection between these Rolls and the *Quo Warranto* Rolls in Eyre; since the verdict in Eyre, whenever there was one, and in like manner the judgment of the justices, or at least the effect thereof, have been generally entered in another hand on the Hundred Rolls of those counties. These entries are very numerous in the two counties alluded to.

It is also worthy of observation, that many of the same jurors who were upon the inquest under the Special Com-

mission, A° 2 Edw. I., formed a part of the inquest on the Inquiry upon the Proceedings in *Quo Warranto*.

But the best evidence that the result of the inquiries under this Commission was the immediate cause of the first chapter of the Statute of Gloucester, consists in this circumstance, that previously to the departure of the Justices in Eyre on their circuit immediately following the enactment of that Statute, these identical Hundred Rolls, or Inquisitions, were delivered to them for the purpose of holding pleas upon the claims stated therein :

“ De Inquisitionibz lib Memo<sup>dam</sup> qđ Walſs de Wymburn die Mart' px' aſ festū Sſci Georgii Martiris anno regni R septimo liberavit apud Westm' Willo de Sah<sup>m</sup> Inquisiſiōes factas in comitatibz Ebor' Notingh<sup>m</sup> Derh de libtatibz Dñi R manſiis feodis Dño Regi subtractis ad pđcas inquisiſiōes in pđcis Com' placitand.” *Rot. Claus.* 7 Ed. I. m. 8 d.

Hence it may be reasonably concluded that the first chapter of the Statute of Gloucester was enacted as a necessary consequence of the previous inquiry made by virtue of the Commission A° 2; nor is it unreasonable to suppose, that the chapters 6, 8, 10, 15, 16, 19, 21, 23, 26, 27, 30, 31, and 35, of the Statute of Westminster the First, were intended to provide specifically against offences, which appear, by the inquisitions on these Hundred Rolls, to have been frequently committed, and which, probably, the common law was inadequate to correct.

After the 6th of Edw. I. the Articles of Inquiry of the 2d Edw. I. given in charge by the inquisitors, formed a part of the *Capitula Corone et Itineris*, and were always given in charge by the justices on their circuits on the Crown side to the Hundredors. They were entitled *Nova Capitula*, as distinguished from the old Articles; and are to be seen in the subsequent Rolls in Eyre, particularly of the 21st Edw. I. in the county of Surrey. The

old Articles in Eyre, as in *Bracton*, lib. i. fo. 116, 117, and those of the 39 Hen. III., as also the *Nova Capitula*, were all incorporated in *Fleta*, lib. i. c. 20, tit. *de Capitulis Corone & Itineris*.<sup>(1)</sup>

[The Contents of the first volume of the Hundred Rolls are as follows:—

Bedford'—(Extract)	Cornub'—(Extract)
Berk'—(Extract)	Derb'
Buck'	Devon'
Buk'	Devon'—(Extract)
Buck'—(Extract)	Dorset'
Cantebr'—(Extract)	Dorset'—(Extract)

(1) [*The Hundred Rolls*.—"The Inquisitions entered on these Rolls were taken by Commissioners appointed for each county by King Edward I. by his Letters Patent under the Great Seal, dated at the Tower of London, October 11th, in the second year of his reign, A.D. 1274. The Commissioners were instructed to summon Juries, to inquire into the King's Rights, Royalities, and Prerogatives, and into Frauds and Abuses, very full and ample Instructions being given them by the said Commission for their conduct. These Rolls contain only Surveys in the Counties of Cambridge, Huntingdon, Lincoln, and Oxford; but they are not complete for any one of those Counties, which is much to be lamented, they being the most ample and correct Surveys extant. These valuable Records have until lately been very little known."—*Appendix to First Report of Select Committee of the House of Commons on Public Records*, p. 54. See also p. 57.]

["The *Rotuli Hundredorum* were formed by the inquests taken pursuant to the general commissions, (2 Edw. I.) by which certain justices were appointed to inquire not only into the value and state of the demesne lands of the Crown, and the knights' fees held in *capite*, but also into the illegal exercise of territorial franchises. The Rolls which were compiled for the use of the Exchequer, are extant for most of the counties of England; and from the very minute view which they afford of the state of the landed population, they constitute a species of resting-point between Anglo-Norman feudality and that order which was established when Littleton expounded the English law. They exhibit the Churl, the Socmon, and the Baron, in that memorable era when the causes were beginning to operate which converted their grand-children into the labourer, the farmer, and the gentleman, and destroyed the ancient government and policy of the realm."—*Quarterly Review*, vol. xxix. pp. 57, 58.]

[See *Nicolas, Notitia Historica*, p. 131.]

Ebor'	Leycestr'
Essex'	Lincoln'
Essex'—(Extract)	Lincoln'—(Extract)
Glouc'	Civit' Lond
Heref'	Com' North
Hertf'	Comitatus Nortfolch—
Huntedon'—(Extract)	(Extract)]
Kanc'	

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[*From the Preface to the Second Volume of the Hundred Rolls.*]

*The Hundred Rolls.*—The nature of these Rolls has been fully detailed in the Preface to the former volume. Other Rolls, bearing the same name, are also preserved in the Tower of London, which it has been thought proper to subjoin, although of a date somewhat later in the same reign, and differing from the preceding Rolls in their origin and contents.

The Rolls of Inquisitions of the seventh and eighth years of Edward the First, called Hundred Rolls, and which are printed in this volume, are in the nature of a General Survey, taken by virtue of a special commission, dated the 12th March, A° 7° of his reign, extending to the whole kingdom, but none are known to be now extant, except those for the counties of Bedford, Buckingham, Cambridge, Huntingdon, and Oxford.

The principal object of the King, in requiring this latter Survey, seems to have been the obtaining a correct knowledge of what lands were holden of the crown by knights' service, and other tenures, and whether immediately of the crown or of mesne lords; in order that the crown might be informed how to collect, and the subject how to pay escuage for the one species of tenure, and hidage or tallage for the other, out of the several fees.

The commission for taking these Hundred Rolls recites, that inasmuch as by the frequent usurpations, as well upon the crown as others, in their demesne lands, honours, and liberties, both the King and others had been ousted thereof, for that reason it was necessary to ascertain in future what of right belonged to the crown, and what to others. It commands the commissioners to survey, by the oath of knights and other lawful men, all cities, boroughs, and market towns, within liberties and without, and to enquire of all demesnes, fees, honours, escheats, and liberties, and all things touching fees and tenements, belonging as well to the King as to all others, and who held the same; that is, to distinguish tenants holding in demesne, or as villeins, bondmen, cottagers, and freeholders, and such as held or enjoyed woods, parks, chases, warrens, waters, rivers, liberties, fairs, markets, and other tenures; how and of whom, whether of mesne lords, or otherwise, and out of what fees escuage was wont and ought to be paid, with the amount of the fees of all honours, who held them, and by what means; so that every town, hamlet, and other tenure, by whatsoever name distinguished, might be distinctly assessed, and clearly entered on rolls, and no man be favoured; and so that the King and others might be fully ascertained of the premises. And the commissioners were bound, by a prescribed oath, diligently and lawfully to execute the office, and lawfully to hear and determine, as well for the King as for others, and to omit not the same out of regard to rich or poor, nor through hatred, malice, favour, fear, or condition of any person, nor for reward, gift, or promise of any one; also to omit not, through art or contrivance, lawfully to inquire of the King's rights, and lawfully to cause the same to be written and delivered to the King, as had been enjoined them; and not to receive any benefice of holy church, ne-

pension or other reward, without the King's licence. (Pat. 7<sup>o</sup> Edw. I. m. 21. d.)

The form of the articles is not on the patent roll, but it is to be collected from the various returns under the commission; many of them vary from the *Nova Capitula*, A<sup>o</sup> 3 Edw. I.

The title to the returns or inquisitions pursues the very words of the commission, and the commissioners are therein denominated inquisitors.

"Inquisitio f̄ca apud Huntingdoñ anno regni Regis Edwardo septimo coram dño Witto Muschet Galfrido de Sandiacre et Nic̄o Bassingburn inquisitoribus dni Reḡ', &c. p duodecim, &c. super articulis sibi commissis qui dicunt, &c." Hund. de Leytonstoñ, Hunt.

"Inquisitio facta, &c. per, &c. de dñicis dni Regis feodis feodalibz escaetis lib̄tatibz ac rebus oñimod feod et ten' contingentibz quam alior' quorumcūq, &c." Hund Ewelme, Oxon.'

In the inquisition for the hundred of Northstowe, Cambridgeshire, the whole of the mandatory part of the commission is set forth.

The answers, as before observed, being more in detail, may be comprised, and were arranged by the inquisitors, under the following heads, viz. :—

Demesne lands of the crown, ancient, and newly acquired; manors, lands, &c. formerly in ancient demesne, and herein of sokemen, bondmen, or *servi*, with their services and rents; all other honours, fees, &c. as well in counties as in cities, boroughs, and market towns, and herein of freeholders, customary tenants, villeins, bondmen, or *servi*, with the services and rents of each, fees, &c. out of which escuage was payable; that is, of tenants *in capite* by knight service, and tenants of such mesne lords paying escuage; baronies and serjeancies,

liberties, as courts, chase, free warren, wreck, fisheries, common or free, and several other *jura regalia*; purprestures on the crown, suits and services subtracted, advowsons of churches, alienations without license, wardships, marriages, escheats; rivers and watercourses diverted, castle ward, fee farms, assarts, repairs of bridges and roads, &c. &c. &c.

[The Contents of the second volume of the Hundred Rolls are as follows:—

Norht'—(Extract)	Suffole'—(Extract)
Northt'	Sussex—(Extract)
Northumbr'—(Extract)	Suth'mtes'
Notingh'm—(Extract)	Warrwyk'—(Extract)
Oxon'—(Extract)	Wyltes'—(Hen. III.)
Oxon'	Wylt'—(Edw. I.)
Rotelond'	Wygorn—(Extract)
Roteland'—(Extract)	Derb'
Salop'—(Hen. III.)	Noting'
Salop'—(Edw. I.)	Bedeford'
Stafford'	Buk'
Stafford'—(Extract)	Cantabr'
Sum'set'	Hunt'
Sumerset'—(Extract)	Oxon']
Suffole'	

[From the Preface to the *Placita de Quo Warranto*.]

*The Placita de Quo Warranto*.—In stating the nature of these Records, it is proper to refer to what has been said concerning them in the Preface to the Hundred Rolls. King Edward the First, on his return from the Holy Land, in the second year of his reign, discovered, that, during the reign of his father, King Henry the Third, the revenues of the crown had been considerably

diminished by tenants *in capite* alienating without license; and by ecclesiastics, as well as laymen, withholding from the crown, under various pretexts, its just rights, and usurping the right of holding courts and other *Jura Regalia*; and that numerous exactions and oppressions of the people had been committed by the nobility and gentry claiming rights of free chase, free warren, and fishery, and demanding unreasonable tolls in fairs and markets.

One of the first acts of his administration, after his arrival, was not (as untruly asserted by Lord Coke, 2 *Inst.* 280 and 495), to fill his coffers with money, by unjustly dispossessing his subjects of their rights, but to correct the abuses abovenamed; before, however, any specific remedy could be provided for the correction of them, evidence was requisite of their peculiar nature and extent. The King, therefore, on the 11th October, A° 2° of his reign, appointed special commissioners for the whole kingdom, to whom were delivered certain articles of inquiry, applicable to the several abuses above described.

The inquisitions taken in pursuance of these commissions were entered on rolls, denominated Hundred Rolls, which were returned for the most part into the Exchequer. From them the crown was furnished (amongst other things) with evidence, upon oath of a jury of each hundred and town in every county, of

All the demesne lands of the crown, whether ancient, or newly acquired by escheat or purchase;

Manors, &c. formerly in the hands of the crown, the persons holding the same, the authority, and how alienated;

Tenants *in capite*, and tenants in ancient demesne;

The losses sustained by the crown in military services, and otherwise, by subinfeudations made by such tenants *in capite*, &c.



Alienations to the church under pretext of gifts in frankalmoigne ;

Wardships, marriages, escheats, suits, and services withholden and substracted ;

Fee farms of the crown, hundreds, wapentakes, and tythings ;

Courts, wreck of the sea, free chase, free warren, and fishery, and other *Jura Regalia* ;

Oppressions of the nobility, clergy, and other great men claiming to have and exercise such rights ;

Exactions by excessive and illegal tolls in fairs, and for murage, pontage, &c.

Exactions and oppressions of sheriffs, escheators, and other ministerial officers, under colour of law, &c. &c. &c.

The statute of Gloucester was enacted in the sixth year of this King's reign ; and the first chapter relating to liberties, franchises, and *Quo Warranto*, was founded upon the previous inquiries under this commission. A comparison of the Hundred Rolls and the rolls of Pleadings in *Quo Warranto* fully justifies this conclusion. Immediately after the passing of the statute of Gloucester, the stated period of the circuit in Eyre returned ; and on the justices going their iter, writs of right and *Quo Warranto* issued very generally against such persons as claimed manors, liberties, &c. where the jurors had previously said upon oath before the inquisitors, A° 3, Edw. I. *Nesciunt Quo Warranto* the parties held or claimed ; and again, where they said the party held or claimed *sine Warranto*, in such case a writ sometimes issued, but the party usually came in upon the general proclamation, (directed by the statute,) without any special writ of *Quo Warranto*. The entry in the former case being, "A. B. summonitus fuit ad respondendum Domino Regi quo Warranto," &c. and in the other, "Pre-

sentatum fuit alias coram Inquisitoribus Domini Regis quod A. B. clamat, &c. sine Warranto."

Previously to the departure of the justices in Eyre on their circuit, immediately following the enactment of the statute of Gloucester, these identical Inquisitions or Hundred Rolls were delivered to them, for the purpose of holding pleas upon the claims stated therein. Vide Rot. Claus. 7 Edw. I. m. 8. d.

The rolls from which the pleadings in *Quo Warranto* of the reigns of Edward the First, Second, and Third have been printed, are in a state of good preservation; they are repositied in the Court of the Receipt of the Exchequer, in the Chapter House at Westminster.

The judgments do not appear in all cases; the same being sometimes adjourned, *coram Rege*, and at other times, *coram Rege in Parlamento*, &c. &c. and frequently no judgment whatever was given, the King's attorney not chusing further to prosecute his writ. It may, however, be material to notice, that at the end of the pleadings in several counties are to be found, *Placita forinseca* or pleadings in other counties; and amongst these are not unfrequently cases, wherein judgments have been adjourned from the county where originally tried into another or foreign county, and there given.

It is also observable, that the titles to some of the rolls run thus, *Placita de Quo Warranto et Ragemannis*, the justices being assigned by the King and his council in pursuance of the statute called *Rageman* said to have been made A° 4, Edw. I. to hear and determine all complaints of injuries done throughout the realm, within the twenty-five years next before the feast of St. Michael, in the fourth year of his reign. The proceedings in these cases were by indictment in what was termed the *Rageman*, and were chiefly against sheriffs, escheators, bailiffs, and other officers, for extortions and oppressions under

colour of law. Vide pp. 378, 382, 387 b, [*Placita de Quo Warranto.*] These, however, form but a very small portion of the pleadings when compared with those of the *Placita de Quo Warranto.*

The frequent reference in courts of law to the latter pleadings, in modern times, afford a strong proof of their great importance and utility; as not only the boundaries of many free chases, free warrens, and fisheries, and the allowance in Eyre of various franchises and liberties, but many royal charters, as well to ecclesiastical as to lay corporations, not to be elsewhere found on record, are very frequently set out at large therein; the descents of manors, advowsons, &c. from the earliest period, are every where apparent; many obscure passages and obsolete words in charters are repeatedly explained; and much learning, illustrative of the laws and customs of the country, both useful and interesting to the lawyer and the antiquary, will be found dispersed throughout the work (2).

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[The Contents of the Volume of *Placita de Quo Warranto* are as follows:—

Bedford'	Herteford'
Berk'	Huntingdon'
Buk'	Kanc'
Cantebregg'	Lanc'
Cornub' .	Linc'
Cumbreland'	London'
Derb'	Middlesex'
Devon'	Norff'
Dor's'	Norht'
Ebor'	Northumb'
Essex'	Notingham
Glouc'	Oxonie
Hereford'	Rotel'

(2) [See Grimaldi, *Origines Genealogicæ*, pp. 100, 101.]

Salop'

Som's'

Staffordie

Suff'

Surr'

Sussex'

Suthampton'

Warwic'

Westmorland'

Wiltes'

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Wallia

Cardigan'

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Insulæ de Gerneseye &  
Jereseye.]

## CHAPTER XI.

### ACCOUNT OF THE ECCLESIASTICAL TAXATION OF POPE NICHOLAS IV. Temp. Regis Edward I.

[*From the Preface to the Work.*]

POPE Innocent the Fourth, to whose predecessors in the see of Rome, the First Fruits and Tenth's of all Ecclesiastical Benefices had for a long time been paid, gave the same, A. D. 1253, to King Henry the Third, for three years, which occasioned a taxation in the following year, sometimes called *The Norwich Taxation*, and sometimes *Pope Innocent's Valor*.

In the year 1288, Pope Nicholas the Fourth granted the Tenth's to King Edward the First for six years, towards defraying the expense of an expedition to the Holy Land; and that they might be collected to their full value, a taxation by the King's precept was begun in that year (1288) and finished as to the province of Canterbury in 1291, and as to that of York, in the following year; the whole being under the direction of John, Bishop of Winton, and Oliver, Bishop of Lincoln.

A Third Taxation, entitled, *Nova Taxatio*, as to some part of the province of York, was made A. D. 1318, (11 Edward II.) by virtue of a Royal Mandate directed to the Bishop of Carlisle; chiefly on account of the invasion of the Scots, by which the clergy of those border countries were rendered unable to pay the former tax.

The taxation of Pope Nicholas is a most important

Record, because all the taxes, as well to our Kings as the Popes, were regulated by it, until the Survey made in the Twenty-sixth year of Henry the Eighth; and because the statutes of Colleges which were founded before the Reformation are also interpreted by this criterion, according to which their benefices, under a certain value, are exempted from the restriction in the statute 21 Henry VIII. concerning pluralities.

Various detached parts of this Record have been published in different county histories: but the whole was, for the first time, edited under the direction of the Record Commissioners, from two manuscripts in the King's Remembrancer's Office, Exchequer, collated with a Cottonian manuscript, of much greater antiquity, in the British Museum, Tiberius, C. X. which has unfortunately suffered some damage from the fire which happened to the Cottonian Library whilst lodged in the Dormitory at Westminster. The original Rolls for several dioceses are still extant in the Exchequer, and have been consulted in this edition; the various readings which occur in them have been preserved; they are however but few, and are of no great consideration; which circumstances evince the accuracy of the ancient transcripts.

Specimens of the hand-writing of the two Exchequer Manuscripts, which appear to have been written in the reign of Henry the Sixth, are prefixed to the work, and a General Index is subjoined.(1)

(1) [Whilst searches were making for Monastic Records in the rooms of the Court of Exchequer at Westminster relating to England and Ireland, there was found in a bag fourteen long Rolls containing an Ecclesiastical Valor and taxation of the whole of Ireland, made by the authority of Pope Nicholas the Fourth. This Valor extends to the possessions of archbishops, bishops, and the religious, and also to rectories, vicarages, and to every kind of ecclesiastical benefice.]

[Upon these Rolls there is this entry, "Hos Rotulos simul cum aliis Rotulis de Taxatione bonorum Beneficiorum totius Hibernie recepit hic ad Scaccarium

Walterus Exon' Episcopus tunc Thesaurarius primo die Octobris anno regni Regis Edwardi filii Regis Edwardi xvj<sup>mo</sup> in quadam бага sigillo Scaccarii Dublin consignata per manus Willielmi de Lugheburgh nuncii domini Regis eandem bagam sub sigillo predicto deferentis et eam dicto Thesaurario ex parte Thesaurarii et Baronum dicti Scaccarii Dublin' liberantis."']

[This Bull of Pope Nicholas is dated in the third year of his Pontificate, 1290, and is entitled "*Bulla Nicolai Papæ Quarti per quam ordinavit qualiter Decima concessa Regi colligi debeat, et a quibus, et per quas personas.*" See further, *Reports from Commissioners respecting the Public Records of Ireland*, vol. i. p. 414, and vol. ii. p. 61, where there is an extract from the Rolls of *Pope Nicholas' Taxation of Ireland.*]

## CHAPTER XII.

### ACCOUNT OF THE NONÆ ROLLS. Temp. Edward III.

[*From the Preface to the Work.*]

THE Origin of these Records, the Authority by which they were taken, and the manner of taking them, appear in the Statutes of the 14 and 15 Edw. III. and in the Commissions, and other Records in the Exchequer; from thence the following statement has been collected.

At the Parliament holden at Westminster the Wednesday next after Mid-Lent, in the Fourteenth year of the reign of King Edward the Third of England, and the first year of his reign in France, Stat. 1. c. 20. the following grant was made of a subsidy of the ninth and fifteenth: "And for the Grants, Releases and Pardons of the said chattels of Felons and Fugitives, and many other things underwritten, which the King hath granted to the Prelates, Earls, Barons, and all the Commons of his realm, for the ease of them perpetually to endure, the said Prelates, Earls, Barons, and all the Commons of the realm, willingly of one assent and good will, having regard to the will that the King their liege Lord hath towards them, and to the great travailes that he hath made and sustained, as well in his wars of Scotland, as against the parts of France and other places, and to the good will which he hath to travail to keep his realme, and maintain his wars, and to purchase his rights: they have granted to him the ninth lamb, the ninth fleece, and the ninth sheaf, to be taken by two years then next to come: and of Cities and Boroughs the very ninth



part of all their goods and chattels, to be taken and levied by lawful and reasonable tax by the same two years, in Aid of the good keeping of this realm, as well by land as by sea, and of his wars, as well against the parts of Scotland, the parts of France, Gascoyne, and elsewhere: and in right of merchants foreign, which dwell not in the cities nor boroughs, and also of other people that dwell in forests and wastes, and all other that live not of their gain nor store, by the good advice of them which shall be deputed taxers, shall be set lawfully at the value to the fifteen without being unreasonably charged. And it is not the intent of the King, nor of other great men, nor the Commons, that by this grant made to the King, of fifteens, the poor boraile people, nor other that live of their bodily travaile, shall be comprized within the tax of the said fifteens, but shall be discharged by the advice of them which be deputed taxers, and of the great men which be deputed surveyors."

By Statute 2. in the same year, the King willed and granted "to the said Prelates, Earls, Barons, and Commons, Citizens, Burgesses, and Merchants, that the aforesaid Grant should not another time be had in example, nor fall to their prejudice in time to come, nor that they be from henceforth charged or grieved to make any Aid, or to sustain Charge, if it be not by the common assent of the Prelates, Earls, Barons, and other great men, and Commons of our said realm of England, and that in the Parliament: and that all the profits arising of the said Aid, shall be put and spent upon the maintenance and safeguard of Our said realm of England, and of Our wars of Scotland, France, and Gascoigne, and in no places elsewhere during the said wars."

By a third Statute in the fifteenth year of Edward the Third, certain conditions were expressed whereupon the subsidy granted in the fourteenth was given.

Assessors and Venditors were thereupon appointed for every county in England to assess and sell the ninth and fifteenth, and three commissions were issued directed to Assessors and Venditors named under the Great Seal by the King and Council.

The execution of the *First Commission* was confined to a few parishes only within a county, and within the assessment and sale the ninth of the religious was included.

A *Second Commission* was afterwards issued by the same authority, and directed (with a few exceptions) to the same persons, and this was also imperfectly executed; but it was done in a way different from the first, by assessing and selling the ninth of the articles to be levied according to the tax or valuation of churches completed in 1292, 20 Edw. I. called Pope Nicholas's Taxation; by which proceeding it seems, that the assessors and venditors were to consider the ninth of corn, wool, and lambs, in 1340, worth as much in a parish, as the tenth of corn, wool, and lambs, and all other titheable commodities and the glebe lands were, when the valuation was made of them in 1292; and within the assessment and sale by virtue of the Second Commission the ninth of the religious was included.

In the fourteenth year of the reign of Edward III. the clergy, both of the provinces of Canterbury and York, granted to the King a tenth for two years (besides the former triennial and annual grants) of all their property; and within this grant was intended and included the spiritualties and temporalties of abbies, priories, and other religious houses and bodies. All the property within the valuation and tax of 1292, in the 20th Edw. I. was subjected to the tenth, in this year granted for two years, and was afterwards collected agreeable to the Tax Book, or *Valor Beneficiorum*, now in the custody of the King's Remembrancer.

Notwithstanding this grant of a tenth by the clergy and religious, they were assessed and taxed to the ninth, and both were collected; this exaction produced from Stratford, the Archbishop of Canterbury, a remonstrance addressed to King Edward, who afterwards (whenever the grievance was stated) issued a writ directed to his treasurer and barons of the Exchequer, and therein commanded redress to be given.

From a review of the Rolls of Parliament, Statutes, Register Books of Monasteries and Priories, Writs of King Edward III. directed and sent to his treasurer and barons of the Exchequer, and other proceedings of Record in the Court of Exchequer, in the fifteenth, sixteenth, and subsequent years of the reign of Edward III. it is evident, that from the laity only the grant of the ninth and fifteenth was considered to proceed, and that from the religious the ninth was not to be collected, except from those who held by barony, and were summoned to Parliament when the grant of the ninth was made, and except also upon possessions acquired by the religious after the 20th Edw. I. which otherwise would wholly escape taxation, not being included within the valuation then made, and called, as already mentioned, Pope Nicholas's *Valor*, which then, and till the reign of Henry VIII. was used as the guide for taxing the clergy, and other religious bodies and men, and was constantly resorted to by the treasurer and barons to correct the accounts of collectors of a tenth, and to determine the liability of persons and property, and to what amount.

A *Third Commission* was afterwards issued and directed to the assessors and venditors on the 26th of January, in the fifteenth year of the reign of Edward III. whereby they were instructed to levy the ninth of corn, wool, and lambs, in every parish, according to the value

upon which churches were taxed, (this means Pope Nicholas's *Valor* and Taxation,) if the value of the ninth amounted to as much as the tax, and to levy more where the true value of the ninth should be found to exceed the tax; but should the value of the ninth be less than the tax, they were directed to levy only the true value of the ninth and to disregard the tax; and to gain correct information of these facts, they were directed to take inquiries (*the Records now published*) upon the oath of the parishioners in every parish.

In these Records it appears that the parishioners of every parish found upon their oath the true value (sometimes separately) of the ninth of corn, wool, and lambs; then the amount of the ancient tax of the church was stated, and afterwards the causes of the ninth not amounting to the tax or value of the church were assigned; and when the ninth did not exceed the tax, it was assigned for cause thereof, that within the valuation or tax of the church there were other articles included besides corn, wool, and lambs, such as the dos or glebe of the church, tithe of hay, and other tithes. And if any abbey, priory, or other religious corporation, had property within any parish, the ninth arising from such property was found and returned.

There were in some counties and parishes local causes which reduced the ninth very much in the 14th Edw. III. Many parishes in the northern counties were at the time exposed to an invading enemy, and totally or nearly laid waste; this kingdom being then at war with Scotland. The sea also had been destructive to other parishes between the 20th Edw. I. and the 14th Edw. III. and in consequence, land which produced corn when the value and tax of Pope Nicholas was taken, was either lost or uncultivated in the 14th Edw. III. In the counties much

exposed to the severity of a cold winter (particularly Bedfordshire) parishes were said to have suffered in the 14th Edw. III. by the death of sheep and lambs. In Buckinghamshire, the mildew in many parishes deteriorated and diminished the produce and price of corn; the poverty of the parishioners and inhabitants in many parishes was mentioned as a cause for much land being uncultivated and unproductive; there were other causes assigned, and all for the purpose of showing the great difference between the ninth in 1340, and the value and tax in 1292.

By the *Nonæ* Rolls it appears, that the ninth was first attempted to be sold for more than the tax of the churches, then for as much as the tax, and afterwards for the real and true value, whether more or less than the ancient tax.

The Survey called Domesday, taken in the reign of the Conqueror, and the *Valor* of Pope Nicholas, were copied into books; the former probably, and the latter certainly, was compiled from particular Returns; some of those from which Pope Nicholas's *Valor* was compiled being now in the custody of the King's Remembrancer in the Exchequer. In like manner, some of the original Inquisitions from whence the *Nonæ* Rolls were formed, and the Inrolments themselves, are now in the Exchequer, though they do not appear to have been transcribed into books; and it is to be observed, that neither the Book of Pope Nicholas's *Valor*, nor the *Nonæ* Rolls, are so ample in many instances, as the particular Returns from whence they were respectively formed.

In the reign of Charles the First, during the Usurpation of Oliver Cromwell, and in the reign of Charles the Second, several of these Inquisitions, and Extracts (containing the whole of one or more parishes) from the *Nonæ* Rolls, were at the instance of persons (as well laity as

clergy) exemplified under the seal of the Exchequer, and are inrolled amongst the Memoranda; ex' gr'

Chauwelton . . .	Nott' . . .	Termi'o Pasche . . .	12 Car. I. . .	R° 22.
Conyngesby . . .	Linc' . . .	Termi'o Pasche . . .	13 Car. I. . .	R° 90.
Cosham . . .	Wilts' . . .	Termi'o s'ti Hillar' . . .	13 Car. I. . .	R° 71.
Hetherington . . .	Northt' . . .	Termi'o Pasche . . .	13 Car. I. . .	R° 88.
Totenho . . .	Buk' . . .	Termi'o s'te Trin' . . .	13 Car. I. . .	R° 38.
Worle . . .	Som's . . .	Termi'o Pasche . . .	15 Car. I. . .	R° 11.
Mapledurham . . .	Oxon' . . .	Termi'o s'ti Hillar' . . .	1659 . . .	R° 16.
Edwardeston . . .	Suff' . . .	Termi'o s'te Trin' . . .	22 Car. II. . .	R° 20.
Chilcomb . . .	Dors' . . .	Termi'o s'ti Hillar' . . .	26 & 27 Car. II. . .	R° 92.
Sondon . . .	Staff' . . .	Termi'o s'te Trin' . . .	34 Car. II. . .	R° 3.

[From Manuscript Collection.]

*The Nonæ Rolls.*—The object of this Record was to ascertain the value of the *Nona* or ninth part of the corn, fleeces and lambs in each parish, that portion having been granted to the King (Edw. III.) as a temporary aid to him in his wars with France; but the chief utility now to be derived from this Record is, that by its description of the several tithes and their respective values, the deficiency of original endowments of vicarages, most of which have in process of time been either lost or destroyed, is in a great measure supplied.

For similar reasons it is almost as useful to Impropriators as to the Clergy.

[A portion of this Record has been lost. The names of the counties, the Rolls for which have been preserved, and are comprised in the printed volume, are as follows:—

Berk'	Sutht'
Bed'	Stafford'
Northampton'	Oxon'
Lancast'	Hereford'
Dors'	Wiltes'
Suff'	Salop'

Midd'	Cornub'
Cantebr'	Sussex'
Ebor'	Glouc'
Lincoln'	Hunt'
Nottingham'	Hert'
Wygorn'	Warw'
Essex'	Rotelond'
Buck'	

The Rolls for some of these counties, formerly supposed to be lost, were discovered during the progress of the work.(3)]

(3) [See also *Appendix to the First Report of Select Committee of the House of Commons*, 1800, p. 151 ; *Nicolas, Notitia Historica*, p. 122 ; and *Grimaldi, Origines Genealogicæ*, p. 56.]

## CHAPTER XIII.

### ACCOUNT OF THE CALENDARS OF THE CHARTER ROLLS AND OF THE INQUISITIONS AD QUOD DAMNUM.

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[*From the Preface to the Work.*]

*The Charter Rolls.*—THE *Charter Rolls* in the Tower of London begin in the first year of the reign of King John, 1199, and end with the reign of Edward the Fourth, 1483. Their Contents are thus described in the Return made by Thomas Astle, Esquire, Keeper of the Records in the Tower, to the order of the Select Committee of the House of Commons, and printed in the Reports thereon, page 53; “They contain Royal Grants of Privileges to Cities, Towns, Bodies Corporate, and private Trading Companies belonging to those Cities and Towns; Grants of Markets, Fairs, and Free Warrens; Grants of Creation of Nobility, from the eleventh year of the reign of Edward the Second to the end of the reign of Edward the Fourth; Grants of Privileges to Religious Houses, &c.”

The Calendar to the Charter Rolls is printed from three volumes preserved in the Record Office, apparently written in the time of James the First. An *Index Locorum et Nominum* is subjoined.

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[*From Manuscript Collection.*]

*The Charter Rolls.*—These Records, like the Patent Rolls, are of great national importance. They contain Grants of Liberties, Privileges, and Possessions, as well to Religious Bodies as to Civil Corporations and to Indi-



viduals;—as Charters of Foundation and Incorporation, Grants and Confirmations of Dignities, Lands, Markets, and Fairs, Free Warren, &c. The Calendar of these Rolls was printed from an old MS. in the Record Office; and though it has some inaccuracies as to names of persons and places, yet it may upon the whole be considered a fair and valuable book of reference to the contents of these Records.(1)

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[From the Preface to the Work.]

*The Inquisitiones ad quod Damnum.*—These commence with the first year of the reign of Edward the Second, 1307, and end with the thirty-eighth year of Henry the Sixth, 1460. These Records are in the above Return (of Mr. Astle) described thus; “ They were taken by virtue of Writs directed to the Escheator of each County; when any Grant of a Market, Fair, or other Privilege or License of Alienation of Lands, was solicited, to inquire by a Jury whether such Grant or Alienation was prejudicial to the King or to others, in case the same should be made.”

The Calendar to the Inquisitions *ad quod Damnum*, is printed from one made by Mr. Robert Lemon, Chief Clerk in the Office, under the direction of Thomas Astle, Esquire. An Index *Locorum et Nominum* is subjoined.

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[From Manuscript Collection.]

*The Inquisitiones ad quod Damnum.*—These Docu-

(1) [“ Although the exact purport of the different Charters cannot always be gleaned from the printed Calendar, it nevertheless affords much information with respect to lands and individuals; and, notwithstanding that it was only intended as a reference to the Records themselves, the purport of the instruments may sometimes be learned from the Calendar, subject of course to the chance of mistakes from the very brief manner in which the documents are abstracted. In using this volume it must be remembered, that the lands, liberties, or franchises, mentioned under each name, were then granted by the King to the respective parties.”—*Nicolas on the Public Records*, p. 41.]

ments, as a distinct series, begin with the reign of King Edward the Second, and end with that of Henry the Sixth, and the Calendar of them, which is comprised in the same volume with that of the Charter Rolls, is sufficiently copious, and compiled with considerable accuracy and care. These Inquisitions were made by virtue of Writs directed to the Escheators, on petitions being presented for licenses to alienate lands to Religious Houses, to found Chantries, or for Grants of Markets, Fairs, or other privileges, in order to ascertain whether such Grant, if made, would be prejudicial to the King or to any of his subjects. Many of them contain a great deal of valuable information relating to Tenures, and privileges attached to Manors, Lands, &c., and are frequently found of importance in questions relating to those points, and in cases concerning tithes.(2)

(2) [*Inquisitio ad quod Damnum*.—"A judicial inquiry which still occasionally takes place, arising from the necessity of protecting the rights, property, or revenue of the Crown and of the subject from injury or encroachment. This process occurred whenever a request was made to the King for licence to alienate lands in mortmain, or to hold a market or fair, or to possess any other peculiar privilege, in case a doubt existed whether the favour sought would not be to the detriment of the Crown or of some of its subjects. For example: by the alienation in mortmain of lands for which service was due to the Crown, and thereby depriving it of that service; by the grant of a market or fair, or of a mill, too near to a place where one already existed, so that its tolls might be affected; or by the concession of any other new privilege which might interfere with vested rights, whether of a public or private nature. In these cases a writ was addressed to the King's Escheator in the county where the place was situated, commanding him to assemble a jury, and to ascertain by their verdict, whether it would be to the damage of the King, or of others, if the privilege solicited were to be granted: thence called Inquisitions '*ad quod Damnum*.' Though the result of the inquiry is not to be gathered from this Calendar, for which the original Record must be consulted, it is nevertheless of much utility; for it generally proves that the parties mentioned were seised of the lands alluded to, and occasionally presents genealogical facts and curious antiquarian and historical information."—*Nicolas on the Public Records*, pp. 43, 44. See also *Grimaldi, Origines Genealogice*, p. 219.]

## CHAPTER XIV.

### ACCOUNT OF THE CALENDAR OF THE PATENT ROLLS.

[*From the Preface to the Work.*]

THE *Patent Rolls* in the Tower of London commence in the third year of the reign of King John, and end in the twenty-third year of that of Edward the Fourth. They are described by Thomas Astle, Esquire, Keeper of the Records there, in his Return, printed in the Reports from the Select Committee appointed to inquire into the State of the Public Records of the Kingdom, page 53, thus; "They contain Grants of Offices and Lands—Restitutions of Temporalities to Bishops, Abbots, and other Ecclesiastical Persons—Confirmations of Grants made to Bodies Corporate as well Ecclesiastical as Civil—Grants in Fee Farm—Special Liveries—Grants of Offices special and general—Patents of Creations of Peers, and Licenses of all kinds which pass the Great Seal; and on the backs of these Rolls are Commissions to Justices of the Peace, of Sewers, and all Commissions (indeed) which pass the Great Seal." (1)

The Calendar to these Rolls was printed from four Manuscript volumes, procured in the year 1775, by Mr. Astle, for Public Use, from the Executors of Henry Rooke, Esquire, collated with two Manuscripts in the Cottonian Library in the British Museum, marked Titus C. II. & III.

Many omissions and deficiencies in the Tower Copy

(1) [See also *Report from the Committee on the Cottonian Library, May 1732*; *Reports from Committees of the House of Commons*, vol. i. p. 519.]

have been supplied by that in the Museum, which seems to have been compiled in the reign of James the First, from the Records themselves, by some experienced Clerk, who has selected from them what appeared to him most useful and interesting.

It may be proper to observe, that as this Calendar, though entitled to great merit, is only a Selection, various Entries appear on the Patent Rolls which are not here described; and therefore, though this work will be found to yield much important information, no one is to be deterred from an examination of any Record referred to elsewhere, as being on the Patent Roll, because it is not to be discovered here. An *Index Rerum*, an *Index Locorum*, and an *Index Nominum*, are subjoined.(2)

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[From Manuscript Collection.]

*The Calendar of the Patent Rolls.*—The series of these Rolls begins with the third year of the reign of King John, and is continued at the Tower to the death of King Edward the Fourth. Their general contents are Grants of Liberties, Privileges, Lands, Wardships, and Offices, Creations of Nobility, Restitutions of Temporalities, Licenses of Alienation, Confirmations of Charters and Grants, Special Liveries, and all Licenses, &c. which pass the Great Seal; but those of the earlier reigns abound also with Entries of Documents of the most diversified and interesting nature, relating to the Prerogatives of the Crown, the Revenue, and the different branches of the Judicature; Letters to and Negotiations with Foreign Princes and States; Appointments and Powers of Ambassadors; Ra-

(2) [It appears that it was once in the contemplation of the Record Commissioners to print the Patent and Close Rolls entire to the end of the reign of Edward II., instead of printing an abstract or calendar.]

[An able critic has expressed a hope that "Abstracts of, rather than Calendars to, the Patent Rolls should be published."—*Retrospective Review*, Second Series, Vol. I. p. 69.]

tifications of Treaties and Truces; Letters of Protection and Safe Conduct, &c. (3)

The printed Calendar is a collection of notes made by some industrious individual to answer his own particular views and purposes, and though certainly of very considerable use, is of but small value compared with the general and perfect Calendar of their contents which has for some years past been in progress at the Tower, and has proceeded through the reign of King John, and a considerable portion of that of King Henry the Third.

On a very minute examination of the whole series of these Rolls, and upon ascertaining the number of Documents enrolled on each, it has been found that on an average, in the reigns of John and Henry the Third, not more than one in fourteen is referred to in the printed Calendar, as will be seen by the following examples.

Year.	Total Number in the Calendar.	Total Number on the Rolls.
5 John . . . .	23 . . . .	448
10 John . . . .	23 . . . .	187
15 John . . . .	52 . . . .	374
16 John . . . .	85 . . . .	891
1 Hen. III. . . .	17 . . . .	590
5 Hen. III. . . .	14 . . . .	253
10 Hen. III. . . .	17 . . . .	494
15 Hen. III. . . .	16 . . . .	338
20 Hen. III. . . .	40 . . . .	446
25 Hen. III. . . .	32 . . . .	570
30 Hen. III. . . .	25 . . . .	369

In the times of Edward the First and Second it has also been ascertained that the average is not more than one in

(3) ["There is scarcely a subject connected with the history or government of this country, or with the most distinguished personages of the thirteenth, fourteenth, and fifteenth centuries, which is not illustrated by the *Patent Rolls*."] — *Nicolas on the Public Records*, p. 37.]

twelve; and in the subsequent reigns the Calendar notices about one in ten of the Instruments contained in the Rolls. (4)

### FIRST SUPPLEMENTAL NOTE.

[*The Charter Rolls—Patent Rolls—Close Rolls—Rolls of France, Rome, and Almain—Liberate Rolls—Norman Rolls and Gascon Rolls—Welch Rolls—Fine Rolls—Redisseisin Rolls—Confirmation Rolls.*]

“According to the scheme for the registration of the documents that passed the Great Seal attributed to Hubert, Archbishop of Canterbury and Chancellor in the time of King John, each set of rolls received a distinctive name, and was appropriated to a peculiar class of enrolments. Grants of lands or immunities, foundations of religious houses, privileges conferred upon individuals or communities, or by which, in after times, a corporate right was created, are principally recorded upon the *Charter Rolls*. (5) The *Patent Rolls*, upon which some Charters are also noticed, contain the licenses granted by the Crown, grants of offices, restitutions of temporalities, and other instruments of the same description. All commissions, whether judicial or administrative, are found upon this set of Rolls, constituting one of the most important branches of information which they afford. (6) The *Close Rolls* offer documents of a more varied

(4) [See also Bayley, *History and Antiquities of the Tower of London*, p. 223; *Westminster Review*, vol. x. p. 410; Nicolas, *Observations on the State of Historical Literature*, p. 73; and Grimaldi, *Origines Genealogica*, p. 133.]

(5) [See *The Report of the Lords' Committees*, April, 1719, p. 98—*The Report from the Committee on the Cottonian Library—Reports from Committees of the House of Commons*, vol. i. p. 519—and *Appendix to the First Report of the Select Committee of the House of Commons*, 1800, p. 53. See also p. 84, and Grimaldi, *Origines Genealogica*, p. 116.]

(6) [“Charters, like Letters Patent, passed under the Great Seal; and the principal distinction between a Charter and a Patent is, that the former was witnessed by such persons as were present when it was executed, whose testimony to its execution was necessary for its validity, and that the latter was executed by the King himself. There is also a slight variation in the address.

description. A writ close, was folded or plied and sealed up, with wax, upon which the Great Seal was impressed; and the mandates which regulated every department of the government being of this description, their contents are singularly instructive. Here we find the writs of summons of the Peers, and the writs of election for the Commons, together with many parliamentary proceedings, such as writs issued by the authority of the legislature, which are not found upon the Parliament Rolls." (7)

"In the early reigns, the most minute items of the court expenditure were warranted by special writ,—the purchase of a bucket-rope for a well—a silk gown for the queen—a cloak lined with rabbit skins for a maid of honour—a hundred yards of dowlas for the napkins of the royal table—the curing of bacon intended for the royal larder—the purveyance of the ginger, galingal, cumin, and other choice spices which seasoned the royal dishes—are all recorded with the greatest form and solemnity. Other mandates, relating to the erection, the repairs, and the adornments of the royal palaces, particularly in the reign of Henry III., are of extreme importance in the history

A Charter usually commences in these words: 'The King to all his Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Reeves, Ministers, and all his faithful subjects, greeting;' but a Patent commences thus: 'The King to all to whom these presents shall come, greeting.' Charters are sometimes confirmed by Letters Patent."—*Nicolas on the Public Records*, p. 40.]

(7) ["An explanation of the difference between the documents entered on the Patent, and those entered on the Close Rolls, may be useful.

"The King's Letters Patent were delivered open, having the Great Seal, from which they derive their legal existence, attached to the bottom. They are presumed to be of a public nature, addressed to all the King's subjects; and carry with them whatever extent of privilege, or power, or rank, or property, the Crown may think proper to bestow. The Close Rolls, on the contrary, are Records of such instruments as were despatched *closed*, or sealed up, and were of a more private nature, being addressed to one or two individuals only, and were, in many cases, the authority to the Chancellor for issuing the Letters Patent. To these documents the King's Privy Seal was attached: they were folded up and tied round with a piece of silk."—*Nicolas on the Public Records*, p. 37.]

of art. We can peruse the minute instructions given by the monarch for raising those sumptuous piles of which the last mutilated fragments have been demolished, as at Westminster, to make room for the lathe and plaster of modern architecture. The diplomatic correspondence between the King and foreign princes also appears on these rolls. The proceedings relating to the incidents of tenure are often entered upon the Close Roll, together with Records of judicial proceedings before the Council, whether in or out of Parliament. From the reign of Henry VI. the decrees of the Court of Chancery are frequently recorded in the same manner, together with such deeds as were acknowledged in Chancery; a practice which began at a very early period."

"The *Rolls of France, Rome, and Almain* (8) may be considered as branches of the Close Rolls, being chiefly composed of diplomatic instruments relating to transactions with the potentates whose names are indicated by their titles; and which, on account of their extent and number, were more conveniently divided from the general series. The *Liberate Rolls* derive their names from the writs directing payments to be made out of the Treasury of the Exchequer, and, like the Close Rolls, they furnish many minute and amusing details of the royal expenditure."

"It is said in Normandy, that their ancient archives were destroyed by the policy of Richelieu, and we cannot ascertain whether any counterparts of the *Norman Rolls* existed at Caen or Rouen. Those which are now in the Tower contain not only the instruments relating to Normandy, which passed the Great Seal, but also the "chirographs" of "concorde," which were effected before the Exchequer at Rouen. This circumstance seems to show that, although the Duke of Normandy had conquered England, still England, as the more powerful Realm, had acquired a tacit supremacy over the Duchy; and it has been doubted whether some of the forms of the Norman jurisprudence did not originate on this side of the Channel. The

(8) [*Almain Rolls*. See Bayley, *History and Antiquities of the Tower of London*, p. 220.]



*Gascon Rolls*, like the Norman Rolls, equally evince the superiority assumed by the English government. All Grants or Charters relating to the Duchy of Aquitaine, and its appurtenances, appear upon these Records. When Cardinal Fleury, by issuing an *arrêt* in the nature of a general *quo warranto* information, attacked the franchises of the religious and civil corporations of the fairest provinces of France, the evidence which supported their rights was adduced from the archives of a hostile realm: and the first Calendar of any portion of the Tower Records was published, not for the use of our own country, but for the information of the inhabitants of the ancient, but now foreign, dominions of the English Crown."(9)—*Quarterly Review*, vol. xxxix. pp. 52, 53.

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[*From an unpublished Tract.*]

*The Close Rolls.*—These Rolls contain numerous important instruments; those of the more early times down to the end of Edward I. may be said to comprehend a Diary of State Affairs; and from the *testes* of the several mandates, the residence and progress of the King's Court may be easily traced. They contain, among other numerous documents, matters relating to the prerogative of the Crown; the privileges of the Peers and Commons; the various branches of Judicature, civil, ecclesiastical, naval, and military; Proclamations and Mandates for manning and fitting out Fleets and Armies, for raising subsidies and imposts, suppressing Riots and Tumults, and for the Preservation of the Peace; Regulations for every branch of the King's Household and for the Coin of the Realm; Summonses to Parliament; Expenses of Knights, Citizens, and Burgesses to Parliament; Liveries and Writs of Seisin of Lands holden *in capite*; Partitions of Lands between Coheirs; Assignments of Dower; Enrolments of Deeds between party and party; and innumerable other curious and important matters.

*The Fine Rolls.*—These contain the appointments of Eschea-

(9) The *Calendars of the Rolls Gasconnes*, &c., in two folio volumes, by Carte, were published on this occasion in the year 1743. [See a subsequent page.]

tors, Customers, Comptrollers, and Searchers, and of the Patent Offices in the gift of the Lord Treasurer; also general Liveries of Lands holden *in capite* of the Crown; Writs *de diem clausit extremum*; Leases from the Crown and Grants of a temporary nature; also Partitions of Lands; Fines paid for alienation, *pro licentia concordandi*, *pro exoneracione militum*; Appointments of Constables and Keepers of the King's Castles, Towns, Manors, and Farms; Fines paid for Relief; Writs of Livery, &c. &c. &c.

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[*From the Appendix to the First Report of the Select Committee of the House of Commons on Public Records.*](10)

*The Close Rolls.*—On the Close or *Claus* Rolls are entered a great variety of important documents, which relate to the Prerogatives of the Crown, the Privileges of the Peers and Commons, the different branches of Judicature, Civil, Ecclesiastical, Naval, and Military; the Measures used for manning and fitting out our Fleets and Armies; for the raising of Subsidies and Imposts; for suppressing of Riots and Tumults, and for the Preservation of the Peace of the Kingdom; with a great variety of Writs and Mandates for regulating every branch of the Affairs of the Royal Household; for the Coin of the Kingdom, &c. On the backs of these Rolls are Writs of Summons to Parliament, and for the Expenses of Knights, Citizens, and Burgesses—Proclamations—Inrolments of Deeds between Party and Party—Liveries and Seisins of Lands, with a great variety of other Instruments too numerous to be inserted. These Rolls, preserved at the Tower, begin in the sixth year of the reign of King John, A.D. 1294, and end with that of Edward IV. A.D. 1483. The value of these important Records has not until lately been generally known, for the want of Repertories to them. (11)

(10) [See also *Report from the Lords' Committee*, April, 1719, p. 99, and *Report from the Committee on the Cottonian Library*, May, 1732; *Reports from Committees of the House of Commons*, vol. i. p. 519.]

(11) ["They (*the Close Rolls*) contain a fund of information, the diversity and importance of which render them some of the most interesting of our national Records. Those of the reign of King Henry III. are particularly valuable and curious.

*The Gascon Rolls.*—The Gascon Rolls begin in the twenty-sixth year of the reign of Henry III. A.D. 1242, and end with the thirty-ninth year of the reign of Henry VI. A. D. 1460. (12)

*The Norman Rolls.*—These Rolls begin in the second year of the reign of King John, A.D. 1200, and end with that of Henry V. 1422. (13)

*The French Rolls.*—These Rolls begin with the sixteenth year of the reign of Henry III. 1232, and end with that of Edward IV. A.D. 1483. (14)

The Gascon, Norman, and French Rolls, are Records of the English Chancery relating to the affairs of certain parts of France whilst under the dominion of the Kings of England; Calendars to which were printed by Mr. Carte, with Indexes of the Names of Persons and Places, in 1743: London, two volumes, folio. (15)

That monarch was a great lover and patron of the arts, and the Close Rolls of his time abound with entries illustrative of their coeval state and progress: they contain a variety of instructions relative to paintings, sculptures, and other works of art, and the repairing and ornamenting of palaces, royal chapels, and other buildings; there are also many curious orders respecting presents to be provided for foreign princes and ambassadors, and offerings against high occasions. Henry was also a Prince whose observances of the chief religious festivals were remarkably grand, and the mandates which appear on these Rolls, concerning dresses, and various preparations and provisions to be made against their celebration, throw considerable light on the habits, customs, and superstitions of that æra. The want of printed calendars to these Rolls has hitherto kept their value and importance from being generally known: it is, however, to be hoped that the Commissioners on the Public Records, who have done so much service to the country by publishing copies of some, and repertories to others of our most valuable muniments, will not consider the objects of their appointment accomplished till they have also laid open this inexhaustible source of general information."—*Bayley, History and Antiquities of the Tower of London*, p. 221. See also *Grimaldi, Origines Genealogicæ*, p. 139, and a remark in *Nicolas, Observations on the State of Historical Literature*, p. 74.]

[The present Commissioners on the "Public Records are in possession of a manuscript volume containing very short abstracts of *Rotul' Claus'* from the 6th to the 9th year of the reign of John. There are abstracts also of some few Rolls of the 12th and 14th years of the same King. A few pages have been printed.]

(12) [See *Grimaldi, Origines Genealogicæ*, p. 163.]

(13) [*Ibid.* p. 127.]

(14) [*Ibid.* p. 155.]

(15) [The work is entitled *Catalogue des Rolles Gascons, Normans et François, conservés dans les Archives de la Tour de Londres.*]

*The Scotch Rolls.*—The Scotch Rolls begin in the nineteenth year of the reign of Edward I. A.D. 1291, and end in the twenty-second year of Edward IV. A.D. 1482. They relate to transactions between England and Scotland during the above period, as appears by the Calendar to them printed in 1772, London, 4to.(16)

(16) [The work containing this Calendar comprises several other matters. It is entitled as follows :—*Calendars of the Ancient Charters, &c., and of the Welch and Scottish Rolls, now remaining in the Tower of London: as also Calendars of all the Treaties of Peace, &c. entered into by the Kings of England with those of Scotland; and of sundry Letters and public Instruments relating to that Kingdom, now in the Chapter-House at Westminster.—Together with Catalogues of the Records brought to Berwick from the Royal Treasury at Edinburgh; of such as were transmitted to the Exchequer at Westminster, and of those which were removed to different parts of Scotland by order of King Edward I.—The Proceedings relating to the carrying back the Records of Scotland into that Kingdom; and the Transactions of Parliament there from the 15th of May, 1639, to the 8th of March, 1650.—To which are added, Memoranda concerning the Affairs of Ireland, extracted from the Tower Records.—To the whole is prefixed an Introduction, giving some Account of the State of the Public Records from the Conquest to the present Time. The Scotch Treaties, Letters, &c. in the Chapter-House extend from the reign of Richard the First to that of Elizabeth, and are said to be important to historians. The Memoranda concerning the affairs of Ireland appear to consist of brief but useful notices of Records connected with the history of that country from the 2d of Henry the Second to the 7th of Edward the Fourth. It is stated that the only parts of this volume that have been superseded by subsequent publications are the Calendar of the Scotch Rolls, which have been printed at length by the Record Commission, and the Catalogue of Scotch Records, removed by Edward the First from Edinburgh, which has been reprinted, with notes, in Robertson's Index.—(See a subsequent page.) See also Nicolas on the Public Records, pp. 41, 42.]*

[It is said in Worrall, *Bibliotheca Legum*, and in Watt, *Bibliotheca Britannica*, that the work published by Ayloffe was begun by the Rev. Philip Morant; and it is stated in Bayley, *History and Antiquities of the Tower of London*, p. 232, that the same hand which drew up the Catalogue of the Gascon, Norman, and French Rolls, published by Mr. Carte from the Manuscript Calendars in the Record Office, also compiled the Calendars of the *Cartæ Antiquæ*, the Papal Bulls, and the Welch and Scotch Rolls, published by Ayloffe. The *History* does not mention the name of the person who drew up the Manuscript Calendars published by Carte, but Mr. Bayley has informed the compiler that that labour was performed by Mr. George Holmes. It should seem, on the other hand, from the Introduction to the *Calendars of Ancient Charters*, (p. xlvii.), that Mr. James Stewart was the author of the

*The Welch Rolls.*—These begin in the fourth year of the reign of Edward I. and end in the twenty-third year of that King. Calendars of these Rolls are also printed, *ut supra.* (17)

Gascon Calendars,\* as well as of the Calendars of the Ancient Charters, Papal Bulls, and Letters, and of the Welch and Scotch Rolls;—(Mr. Stuart (*Stewart*) is also said to have transcribed the *Memoranda de Hibernia*.—*Calendars of Ancient Charters*, Introd. p. lx.)—and that Arthur Agarde compiled the Calendar of the Scotch Treaties and of the Records carried from Edinburgh to Berwick, &c. A history of Ayloffe's book, differing in some respects from the above, is to be found in the fly-leaf of the copy formerly belonging to Mr. Astle, which is now in the Library of the Royal Institution. [See *Harris, Catalogue of the Library of the Royal Institution*, p. 401.] The account is not in Mr. Astle's handwriting, but appears to have been dictated by him. It is as follows:—

“The following Calendars were published from Manuscripts collected by Mr. Astle. The Calendars to the *Carte Antique* and the Papal Bulls and Letters were made by Mr. George Holmes, who was for many years chief clerk in the Record Office in the Tower: those to the Welch and Scottish Rolls were made by Mr. Stuart, formerly a clerk in the same office.

“The Catalogue of the Records brought to Berwick from the Royal Treasury at Edinburgh, of such as were transmitted to the Exchequer at Westminster, and of those which were removed to different parts of Scotland, by order of King Edward the First—the proceedings relating to the carrying back the Records of Scotland into that kingdom, and the Transactions of the Parliament there, from the 15th May, 1639, to the 8th of March, 1650, as also the Memoranda concerning the Affairs of Ireland, were collected by Mr. Astle from several MSS. in his library; who being of opinion that the publication of them would be useful to historians, lawyers, and antiquaries, they were printed and published by and for Messrs. William and John Richardson, who soon after left off business, and sold the copy to the late Mr. Benjamin White, of Fleet Street, who applied to Mr. Astle for permission to prefix his name to the volume as Calendars made by him, which request Mr. Astle refused to grant.”

“It may be proper to observe, that nearly half the volume was printed before the month of December, 1770, when Mr. Astle engaged in preparing the copies of the Rolls of Parliament for the press; and about March, 1771, the late Sir Joseph Ayloffe, Bart. undertook to superintend the printing of the remainder of the volume. Sir Joseph was furnished by Mr. Astle with such materials as he had collected for the preface, which forms a part of this publication. After Mr. White had purchased the copy, he obtained permission from Sir Joseph to

\* [It must be observed, that neither the account of the compilation of the Gascon, Norman, and French Rolls, which is contained in *The History of the Tower*, nor that which is to be found in *Ayloffe's Publication*, corresponds with the statement of *Carte*.—*Catalogue des Rolles Gascons, Normans, et François*, Preface, pp. ii. & iii.]

*The Roman Rolls.*—These begin in the thirty-fourth year of the reign of Edward I. 1305, and end with that of Edward IV. 1483. They contain the transactions with that See.—Calendars have not been made to these Rolls.

*The Liberate Rolls.*—These are Rolls of Precepts directing the Payment of Sums of Money, or to a Sheriff to deliver Possession of Lands or Goods which had been extended. They begin in the second year of the reign of King John, A.D. 1200, and end with that of Edward IV. 1483. These Rolls are chronologically arranged, and are referred to in the General Calendar of the Records in the Tower. (18)

*The Fine Rolls.*—These Rolls begin in the sixth year of the reign of King John, 1204, and end with that of Edward IV. 1483. On them are entered the Accounts of Fines paid to the King for Licenses to alienate Lands. Fines *pro exoneracione Militum, pro licentia concordandi*, and occasionally Liveries of Lands, &c. They are arranged in chronological order, and are pointed out in the General Calendar. (19)

*The Redisseisin Rolls.*—The Rolls of Redisseisin contain Writs to, and Proceedings of Sheriffs for restoring those to the Possession of Lands or Tenements, of which they had been unlawfully dispossessed. These Rolls are digested in chronological order, and are also pointed out in the General Calendar. (20)

prefix his name, as the compiler of the Calendars. Mr. White then cancelled the first title-page, and printed another, wherein he says that the Calendars were compiled by Sir Joseph Ayloffe, Bart., and from that time they have been called Ayloffe's Calendars."]

(17) [See Grimaldi, *Origines Genealogica*, p. 194.]

(18) ["They (the *Liberate Rolls*) contain precepts to the treasurer and other great officers of the Exchequer for the payment of pensions, salaries, and stipends, and of various expenses of the state, and of the royal household; and occasionally writs to sheriffs for the delivery of lands, &c. which had been extended. The earliest of them, particularly those of king Henry the Third's reign, like the Close Rolls of the same period, form a most interesting species of record; but after the reign of king Edward the First they become less and less interesting."—*Bayley, History and Antiquities of the Tower of London*, p. 222. See also Grimaldi, *Origines Genealogica*, p. 120.]

(19) [See Grimaldi, *Origines Genealogica*, p. 136.]

(20) [The description of the different Rolls mentioned in this division is meant to apply to those in the Tower.]

[*From the Appendix to the First Report of the Select Committee of the House of Commons on the Public Records.*]

*The Charter Rolls.*—The Charter Rolls (preserved at the Rolls' Chapel) contain Charters, Creations of Honour, and other Grants of the Crown, which conclude with the words *Hiis Testibus*, &c. They begin the first year of Richard III. and end the eighth year of Henry VIII., the subsequent Charters having been inrolled upon the Patent Rolls.

*The Patent Rolls.*—Upon the Patent Rolls (preserved at the Rolls Chapel) are inrolled all Grants in Fee or Perpetuity, of the Demesne Lands of the Crown, the Abbey Lands, and Escheat Lands, all Patents of Creations of Honour, Grants of Charters of Incorporation and Liberties, Grants of Offices, Denizations, Patents for Inventions, Licenses, and Pardons of Alienation, Presentations, Special Liveries, and Grants of Wardships, such Leases of Crown Lands as pass the Great Seal (which should be all those whereon a greater annual rent than forty shillings is reserved), Special and General Pardons, Licenses of all sorts that pass the Great Seal; and on these Rolls are indorsed all Proclamations, and most of the Commissions that pass the Great Seal. (21) [They begin with a small Roll of Edward the Fifth, and are continued down to a recent period.]

*The Close Rolls.*—The Close Rolls (preserved at the Rolls Chapel) begin with Edward the Fifth, and are continued down

(21) ["In the Patent Rolls (*Rolls Chapel*) are containyd all Grants made from the King to the subject, which passe vnder the Great Seale of England: that is to say,—Perpetuities, Fee Termes, Fee Simples, &c.; Leases for Life, Yeares, or at Will; Grants of Liberties; Licences, and Pardons of Alienation; Presentations; Annuities; Special Liveries; Speciall, and Generall Pardons; Pardons of Vllarie; Licences of all sorts, which passe the Great Seale.—And on the backside of the said Rolls (called Patent Rolls) are inrolled and indorsed these things following: that is to say, Commissions for the Peace; Commissions for Gaole Deliverie; Commissions for Oyer and Terminer; Commissions to enquire *post Mortem*; and all the speciall Commissions which passe the Great Seale."—*Powell, Direction for Search of Records*, pp. 1 & 2. See also *The Repertorie of Records* (*Powell*), pp. 1 & 2.]

regularly to a recent period, being brought there from the In-rollment Office in Chancery.

These Rolls take their name from the ancient custom of in-rolling *Brevia Clausa* upon them, and other Memoranda, as Summons to Parliament, Mint and Coinage Indentures, &c. But since the reign of King Henry the Eighth, they contain mostly the Inrolments of Deeds of Bargain and Sale, Settlements and Wills of Roman Catholics, Conveyances of Bankrupts' Estates, Recognizances, Specifications of new Inventions, and other Instruments, either acknowledged by the Parties thereto, or sworn to by a subscribing witness for the purpose of inrolment, or inrolled for safe custody only, by Warrant from the Lord Chancellor, or Master of the Rolls, and also Memorials of Deeds and other Securities for Annuities. (22)

*The Fine Rolls.*—The Fine Rolls, otherwise called the Lord Treasurer's Rolls, preserved at the Rolls Chapel, begin with King Edward the Fifth, and end with the seventeenth year of King Charles the First, and contain the Inrolments of Patents to Escheators, Customers, Comptrollers, Searchers, and of other Patent Offices in the gift of the Lord Treasurer, as also of General Liveries of Lands holden in capite, and Entries of Writs *de Diem clausit Extremum*, &c. which issued before the taking away of the Court of Wards and Liveries, and the abolition of Tenures in capite. (23)

*The Confirmation Rolls.*—The Confirmation Rolls, preserved at the Rolls Chapel, begin with King Richard the Third, and end with the 12th year of King James the First, no Confirmation Roll having been made up since that time. These Rolls

(22) ["The next sort of Records of Chancerie (*Rolls Chapel*) are called Close Rolls, in which are containd these things following: that is to say, 1. All Indentures, which are acknowledged in Chancerie betwixt partie and partie, *subjects*.—2. All Recognizances, which are acknowledged in Chancerie betwixt partie and partie, *subjects*.—3. All Deeds whatsoever, acknowledged in Chancerie betwixt parties, *subjects*.—(The said Indentures, Recognizances and Deeds being on the back of the Roll indorsed: and diverse speciall Writs on the inside thereof."—*Powell, Direction for Search of Records*, pp. 2 & 3. See also *The Repertorie of Records* (*Powell*), p. 2.]

(23) [See *Powell, Direction for Search of Records*, pp. 3 & 4.]



contain Confirmations of Charters to Cities, Boroughs, or other Corporate or Politic Bodies, and also to private persons; and all Confirmations since that time have been inrolled promiscuously with other Patents on the Patent Rolls. (24)

(24) [Respecting some species of Rolls mentioned in this division, and preserved at the Rolls Chapel, see also *Report from the Committee on the Cottonian Library*, May, 1732; *Reports from Committees of the House of Commons*, vol. i. p. 520.]

[The *Patent and Close Rolls of Ireland* may be said to begin with the close of the reign of Edward the First—See the *Inventory; Reports from the Commissioners on the Public Records of Ireland*, vol. ii. p. 383. See also *ibid.* p. 144; *Inventory of Miscellaneous Rolls*, beginning 23 Edw. I. And see vol. i. pp. 51. 66. 72. 132. One hundred pages of text of the Irish *Chartæ*, *Privilegia*, and *Immunitates* appear to have been printed.—*Sessional Papers, House of Commons; Public Records, Ireland*, 7th July, 1830. See also *Report from Select Committee on Irish Miscellaneous Estimates*, 19th July, 1829.]

[" Upon these Rolls (*the Irish Patent Rolls*) are contained the enrolments of Grants in fee or perpetuity, for lives and years, of Crown Lands, Abbey Lands, and Escheated Lands, Patents of Creations of Honour, Grants of Charters of Incorporation and Liberties, Grants of Offices, Denizations, Ferries and Fisheries, Patents for Inventions, and specifications thereof, Licenses and Pardons of Alienation, Presentations, Special Liveries, Grants of Wardships, Commissions, a few Inquisitions *post mortem*, Special and General Pardons, Deeds and Conveyances, Letters of Attorney, King's Letters, Wills, Orders of Council, Grants of Lands under the Acts of Settlement, and Explanation, and under the Commissions of Grace of Charles the Second and James the Second, Grants from the Commissioners of forfeited Estates, Decrees of Commissioners of Wide Streets, &c."—*Report from the Commissioners on the Public Records of Ireland*, vol. i. p. 66.]

[" The oldest Roll of this description (*the Irish Close Rolls*) is one of the 20th year of Edward II. It contains Liberates, Writs of various kinds, Pardons of Alienation, Recognizances, a few Deeds, and an article entitled *Statutum de Hibernia*. This class of Rolls does not appear to have been continued in regular succession, none other occurring until the time of Richard II. of whose reign there are two Close Rolls, one of the first, and the other of the fourth year. They contain, amongst other mixed matters, Deeds, and Writs of *Anoveas Manus*. The next we find, is one of Henry IV., and in the time of Henry VI. there are five, (each of which is entitled *Rotulus Clausus*;) viz. in the 5th, 6th, 14th, 19th, and 20th years of his reign. The next are, one of the 19th of Edward IV. another of the 9th of Henry VII., one of the 5th of Edward VI., two of the 12th and 15th of Elizabeth, and the Roll of the 12th and 13th of Charles I., mentioned in the former Return. We have not, as yet, been able to ascertain

## SECOND SUPPLEMENTAL NOTE.

[*Rotuli Annales*—*Great Rolls, or Pipe Rolls*—*Cartæ Antiquæ*.]

*The Pipe Rolls*.—"It is possible that the *Rotuli Annales*, sometimes called the *Great Rolls, or Pipe Rolls*, in which the accounts of the revenue of the Crown are entered, may have begun with the reign of the Conqueror. Yet, if such existed, we are informed by Alexander de Swereford, that they had perished before the thirteenth century, and the first fragment of these invaluable Records has been referred to the fifth year of the reign of Henry the First. (25) The troubled reign of Stephen offers a chasm, but they are resumed with Henry Plantagenet, from whence the succession continues with few interruptions to the present time. None of the French Records begin earlier than the reign of Philip le Bel. Those of the Germans date

whether there are any Close Rolls of a later period than that last mentioned. But it is observable, that any difference which might originally have existed between the Close and Patent Rolls was discontinued in course of time, although the name of the former was still preserved; for both species of Rolls contain matters of a similar kind; and in no one instance, except the Roll above-mentioned may be considered as an exception, is there a Close and Patent Roll for the same year or period; which, if they were meant to be distinct in their nature, could not but in some instance have been the case; and, as far back as the Books of Reference to the Rolls extend, the Close Rolls are referred to without any distinction from the Patent Roll."—*Reports from the Commissioners on the Public Records of Ireland*, vol. i. p. 73.]

[Portions of a Calendar of the Irish Patent and Close Rolls have been published under the title of *Rotulorum Patentium et Clausorum Cancellariæ Hiberniæ Calendarium*. At the commencement of this Calendar are the *Antiquissime Littere-Patentes* mentioned in various passages of the Reports of the Irish Commissioners. They consist of a Roll *continens quedam de regnis Regum Hen. II., Hen. III., Johann., et Edw. I.* Other portions of this Calendar appear to have been printed.—See *Report from Select Committee on Irish Miscellaneous Estimates*, 19th July, 1829; and *Sessional Papers, House of Commons, Public Records, Ireland*, 7th July, 1830.]

(25) This Roll has been considered as belonging to 5 Stephen; but Maddox has satisfactorily shown that it can only be referred to the year and reign mentioned in the text. [Consult *Madox—Disceptatio Epistolæ de Magno Rotulo Scaccarij*.]

from a period still more recent, and our English series is probably more complete and ancient than any other now existing in the world.

"In the earlier periods, the Great Rolls afford the most minute particulars of the territorial possessions of the Crown. Therein the sources and particulars of the revenue are fully detailed; and they elucidate every branch of our laws and policy during the most obscure and difficult era of English history, when the Anglo-Saxon policy was breaking up, and that system was forming upon which our present constitution is founded; but with the exception of the scanty excerpts published by Madox, no portion of the information with which they abound has ever seen the light.

"The *Great Roll* was not originally intended to bear record of any other matters except those which related to the finance of the kingdom: it contained the charge and discharge of the Sheriff, through whose hands the money passed, and who was the chief, if not the only, collector of the revenues of the Crown. Private individuals, however, occasionally paid fines, for permission to enter the substance of their Deeds and Charters upon the Great Roll, in order to preserve a legal memorial of the contents, in case of the loss of the originals. But, until the reign of King John, the Charters, Patents, and Writs issued under the Great Seal, by and in the name of the Sovereign, were not in anywise registered or recorded. It is true that there are in the Tower certain Rolls or Membranes, called the *Cartæ Antiquæ*, containing transcripts of ancient Deeds, from the Saxon periods down to the time of Henry the Third; but these Rolls are probably composed of the copies of Charters which were brought into Chancery, in order that they might be exemplified. The Charters are principally arranged according to their subject-matter: those relating, for example, to each religious house, being generally contained on the same membrane, though of many different dates and periods; and they have no similarity whatever to the Rolls of the Chancery, which are contemporaneous Records of the Documents issued under the Great Seal, being made up or completed year by year."—*Quarterly Review*, vol. xxxiv. pp. 49, 50.

[*From an unpublished Pamphlet.*]

*The Pipe Rolls.*—The great Rolls of the Pipe commence in the time of King Stephen, and continue to a recent period.

Upon these Rolls are many important Entries, showing what Property belonged to the Crown, whether ancient Demesne or otherwise; if at Farm, or granted in Fee Farm to Cities, Boroughs, or Towns corporate; Reliefs paid by Barons and Persons holding in capite; Escuages, Aids, and Tallages; repairs of and provisioning of Castles and Towns, &c. &c. &c.

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[*From the Appendix to the First Report of the Select Committee of the House of Commons on the Public Records.*](26)

*The Pipe Rolls.*—The Great Roll contains an account of the ancient Revenue of the Crown, written out in process every year, to the several Sheriffs of England, who were the general receivers and collectors thereof, and by them levied and answered to the Crown upon their annual accounts, before the Clerk of the Pipe; which method is continued for so much of the said revenue as yet remains, and hath not been alienated from the Crown; for all which the respective Sheriffs still continue to account, and take out their *quietus* yearly.

The Great Rolls are made up from the time of King Stephen to a recent period, and, until the removal thereof to Somerset Place, (under the direction of a Committee of the Honourable the House of Commons,) they for the most part lay in good method and order, in wainscot presses in the Court of Exchequer at Westminster, and whatever they contained was then easily found, the several counties being placed in an alphabetical order, and the year of each King's reign being written on the cover of each Roll, in large text characters. (27)

(26) [See also *The Report from the Committee on the Cottonian Library, May, 1732; Reports from Committees of the House of Commons*, vol. i. p. 512.]

(27) [*The Pipe Rolls.*—"These Rolls are continued down to the present reign, and are of great interest and utility, more particularly in regard to the transactions of early times, as the names of most men, or families of property, appear upon them, and nearly every ancient Pedigree is indebted to them for

[*From the Preface to the Fragment of the Great Roll for Normandy, unpublished.*](28)

*The Pipe Rolls.*—The ancient Great or Pipe Rolls of the Exchequer contain annual Accounts of every kind of rent or

assistance, since the sources from which the Crown revenues were formerly obtained, independently of the Crown lands, were so numerous, that it would perhaps be impossible to produce from history a name of note, which is not recorded on the Pipe Roll. It is of course evident, that the most perfect list of Sheriffs of Counties is to be obtained from it. The following are some of the fountains of the King's income, enumerated therein: Reliefs, Escheats, Fines for granting the Wardship of Infants, Fines not to grant such Wardships, Fines from Knights to have Wards in marriage, Fines from Wards not to be given in marriage, Fines from the Jews on every imaginable occasion, Fines from Knights for license to defraud them, from the Jews for protection from being defrauded, Fines for Aids, Scutages, Tallages, and Customs, Fines to have Justice and Right, for Writs, Pleas, Tryals, and Judgments, for expedition of Pleas, Tryals, and Judgments, for delay of Pleas, Tryals, and Judgments, Fines payable out of debts to be recovered, Fines for having offices, by Tenants *in capite* for leave to marry, for leave to trade, for the King's favour, for his protection and aid, for his mediation, for Seisin, for Replevin or Bail, for Acquittal, for Murder, Manslaughter, Trespass and Misdemeanor, Fines for leave to settle Duels (even between brothers), and for so many other causes, that they are at once too numerous and too disgraceful to mention, excepting, indeed, for the purpose of considering how superior are the freedom and happiness of the humblest menial in these days, to the liberty and power of the greatest Baron six centuries back."—*Grimaldi, Origines Gensalógica*, pp. 36, 37.]

[Respecting the Great Roll of the Pipe, see further *Powell, Direction for Search of Records*, pp. 40—43. *Madax, History of the Exchequer*, vol. ii. p. 112. *Ayloffe, Calendars of Ancient Charters*, Introduction, p. xii. *Treatise on the Court of Exchequer*, (by Lord Chief Baron Gilbert,) p. 114. *Price, Treatise on the Law of Exchequer*, Appendix, 725. See also a remark in *Nicolas, Observations on the State of Historical Literature*, p. 74.

[The *Pipe Rolls in Ireland* commence with the reign of Henry the Third. See the *Inventory, Reports from the Commissioners on the Public Records of Ireland*, vol. ii. p. 125. See also *ibid.* p. 78. "The Rolls of the Pipe (Ireland) are principally composed of the Returns of the Receipt and Expenditure of the Royal Revenue, contained in Escheators' and Sheriffs' Accounts; among which are found References to Grants of Lands and Money, &c. made by the different Monarchs; the Value of Ecclesiastical

profit due to the Crown from its Ministers or other debtors, ranged under the head of their respective Counties.

The earliest Roll of this kind now remaining has been attributed to the 18th year of Hen. I., the 5th of Stephen, and the 1st of Hen. II.; but there is good internal evidence for assigning it either to the 26th or 30th of Hen. I. The next which occurs is of the 2d of Hen. II.; and from that time downwards the series is nearly complete.

Each Great Roll or Bundle is composed of a number of smaller Rolls, stitched together along the head, and generally each of these consist of two long sheets of parchment joined endwise, the accounts being written more or less on both sides of the skin.

There remain at the Tower fragments of a similar Great Roll for Normandy, of the year 1184, or 30th of Hen. II. They consist of portions of two of the smaller kind just described. The first is the lower or second half of one of them; the other is composed of a fragment of the upper and the whole of the lower membrane of the concluding Roll: the former is written on one side only, and contains part of the annual account of William Earl of Arundel, the other part having perished; the concluding Roll exhibits, on both sides, the accounts of various other persons.

Of the contents of these fragments a small number of copies, as closely in conformity with the Original as the difference of

Livings seised into the King's hands, by vacancy of Sees or otherwise; frequent Exemplifications of the Statute of Westminster against Absentees, *temp.* Henry VI.; Accounts of Laymen's Lands seised into the King's hands; and very frequently contain curious Topographical Information, Prisaige of Wines, King's Customs and Revenues, Quit Rents, Wardships, Escheats, &c.; and, in addition to this general information, both the Plea\* and Pipe Rolls throw great light on the history of private property, and the Genealogy of the principal persons in the Kingdom."—*Ibid.* p. 77. These Rolls appear to have been consulted as curious historical documents by many Irish writers.—*Ibid.* vol. i. p. 413.]

(28) [*Magni Rotuli Scaccarii Normannie de anno ab incarnatione Domini 1184, Willielmo Filio Radulfi, Senescallo, que estant.* 4to. 1830.]

\* [See *ante*, p. 241.]

type and size would permit, have been printed for private distribution, with the double object of thus providing as far as possible against the chance of further injury to this curious document, and at the same time of affording briefly, by analogy, a connected view of the nature and importance of our own invaluable series of Pipe Rolls, of which it is believed comparatively little is known, except by the few persons who have had sufficient perseverance to examine the numberless extracts from these records which the indefatigable Madox has dispersed throughout his elaborate History of the Exchequer.(29)

(29) [The Pipe Rolls, formerly kept in waincot presses in the old Exchequer, at Westminster, were, about the year 1800, removed to the vaults under the eastern wing of Somerset House. Of this repository, the author of an unpublished tract has given the following description—a description which, deplorable as it is, the compiler regrets to state is in no respect exaggerated.

“ The situation in which the Records of this Repository and of the Pipe are preserved is one, of all others, the least suited for their preservation, and the best calculated for their decay and destruction; being kept in damp vaults under the eastern wing of Somerset House. These vaults were originally deemed by Government too damp, dark, and improper for their reception; in consequence whereof, air and fire-flues were introduced under the floor and round the walls, for the purpose of keeping the Records dry, and preventing the damp from the ground. Instead of remedying the evil, I can say, from long experience, that the situation has become still more objectionable, the Records being alternately damp and dry; damp when the flues are unlighted, and dry again when air is admitted and the fires lighted. Further than this, the rooms are so dark, (especially since the erection of the King's College,) it is impossible to read a Record, or even its label; the cold is also so great, that in winter or summer no person could remain therein half an hour, without the risk of losing his life.”]

[His Majesty's Government, by the desire of the present Commissioners on the Public Records, has lately given orders for the removal of these invaluable Records to a place better adapted to their preservation, and where they may be consulted without inconvenience. When this measure shall be accomplished, steps will be taken for the examination of these Rolls by competent persons, and it is probable the most important portion will be transcribed, and printed, and our national history protected from the irreparable injury it would sustain, in case of their destruction by time or by accident. *See a subsequent page.*]

[From an unpublished Pamphlet.]

*The Cartæ Antiquæ.*—The Calendar, to what are so termed, was printed by Sir Joseph Ayloffe from an old Office Calendar.

It is important here to remark, that these are neither original Charters, or Enrolments of Charters, although they have been received in evidence. This has arisen in error, and from Judges having been imposed upon as to the fact of their being original Enrolments; they are entries only, made from time to time when parties came before the Justices in Eyre of the Forest and claimed Liberties, and had allowance thereof, as is evident from entries on the Rolls—thus, *De Foresta*, and *Nil de Foresta*. Besides which, these Charters are not chronologically enrolled, but various reigns intermixed.

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[From the Preface to the Index to the Originalia and Memoranda.](30)

*The Cartæ Antiquæ.*—The earliest Records of Chancery we meet with are those transcripts called the *Cartæ Antiquæ*,(31) which contain miscellaneous exemplifications of Charters of our ancient Kings long prior to the time of King John, but mixed with others made in his reign, and apparently at that time put

(30) [Mr. Jones published this Index in 1793. The title of the work is as follows: *Index to Records, called the Originalia and Memoranda on the Lord Treasurer's Remembrancer's Side of the Eschequer: extracted from the Records, and from the Manuscripts of Mr. Tayleure, Mr. Madox, and Mr. Chapman, formerly Officers in that Office. Containing all the Grants of Abbey Lands, and other Property, granted by the Crown, from the Beginning of the Reign of Henry VIII. to the End of Queen Ann. Also, Inrolments of Charters, Grants, and Patents to several Religious Houses, and to Cities, Boroughs, Towns, Companies, Colleges, and other Public Institutions from the earliest Period. Together with Pleadings and Proceedings relative to the Tenures and Estates of the Nobility and Gentry; Commissions to survey Manors, Lands, and Tenements; and innumerable Other Matters.*]

(31) [See Appendix to First Report of Select Committee of the House of Commons, 1800, p. 53; Ayloffe, *Calendars to Ancient Charters*, Introduction, p. xlviii.; Bayley, *History and Antiquities of the Tower of London*, p. 219; and Grimaldi, *Origines Genealogicæ*, p. 20.]



together; next, the Charter Rolls of the first year of his reign, the Norman Rolls of the second year of the same King, the Patent Rolls of the third year, and the Close Rolls and Fine Rolls of the sixth year. There are no Rolls at the Tower, called Charter Rolls, later than the twelfth year of James the First, (anno 1614;) because, since that time, Charters are promiscuously inrolled with other Patents on the Patent Rolls.

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[*From the Appendix to the First Report of the Select Committee of the House of Commons on the Public Records.*]

*The Cartæ Antiquæ—Augmentation Office.*(32)—Under this designation is contained a great variety of important and valuable Deeds, some nearly as ancient as the Norman Conquest. They are of a very miscellaneous kind, consisting of Appropriations of Churches, Endowments of Vicarages, Feoffments, and Grants of various kinds, Compositions Real, Letters of Attorney and Proxy, Releases and Quit Claims, Grants and Manumissions of Villains, &c. &c. &c.; and they are of all ages, from the date above noticed until the time of Henry the Eighth.(33)

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### THIRD SUPPLEMENTAL NOTE.

[*Short Statement of the matter to be collected from the Parliament Rolls.*]

[*From Manuscript Collection.*]

It is necessary to premise, that the documents published in the Appendixes to the printed Rolls of Parliament are not, by any means, selected in such a manner as to give an adequate idea of the value of the matter relating to the functions of Parliament contained on the Rolls. The appendix to Ryley's *Placita Parliamentaria* is much more satisfactory, though it is very limited in extent.

The Writs of Summons and Election, (of which a very com-

(32) [See also Grimaldi, *Origines Genealogica*, p. 20.]

(33) [See also respecting the value of the *Cartæ Antiquæ*, Ayliffe's *Calendars*, Introduction, p. xlviii.]

plete and valuable collection to the reign of Edward the Third is now in course of publication, (as an Appendix to the *Report of the Lords' Committees on the Dignity of the Peerage*,) and the Writs of Wages, need not be described, as their nature is well known. The other Writs, Commissions, and Documents relating to Parliament and the Council, are of a miscellaneous description, and may be briefly noticed under the following heads:—

Commissions issued upon Petitions presented to Parliament, or the Council, or otherwise issued by the special direction of Parliament, or the Council, for the Conservation of the Peace, or for the punishment of Breaches of the Peace committed against individuals.

These are numerous and important, and they are of great curiosity, inasmuch as they illustrate the manner in which the original jurisdiction of the King's Council in, or out of, Parliament, in relation to the conservancy of the Peace, became gradually delegated to other authorities. It may here be observed, that justices of the peace were usually named in Parliament, and commissions directed to them accordingly.

Commissions of Inquiry, issued upon Petition to the Council in, or out of, Parliament.

Many of them relate to usurpations, wrongs, and oppressions, not of a criminal nature, and not cognizable by the ordinary courts, or according to the ordinary course of law. Others relate to the grant of franchises, and others to the redress or remedy of public nuisances or inconveniences. Upon these Commissions inquests were taken and returned before the Council, sometimes in Parliament, and sometimes out of Parliament. Most of the inquiries, now referred to the Committees of either House of Parliament, were anciently conducted by means of such Commissions.

Grants of Pavage, Murage, Wharfage, and other Tolls and Dues made to bodies politic and corporate, and sometimes to individuals.

These, in and after the reign of Edward the Second, were frequently made upon petitions presented to the Council, and

answered in or out of Parliament. Hence originated the modern private Bills for similar purposes. In the first stage are found the Grants, or Patents, issuing upon petitions presented as before is mentioned. About the reign of Henry the Fifth a practice was introduced of issuing not a Grant under a Great Seal, but an Exemplification under the Great Seal of the Petition and of the Answer given in Parliament; and lastly, the Petition and Answer were drawn up into an Act, in the same form as the public Statutes. The right now claimed by the Privy Council, of issuing Grants for the collection of light-house dues, upon petitions addressed to them by merchants and others on the part of the public, (as noticed in the last *Report of the Committee of the House of Commons*,) appears to be derived from the ancient practice before noticed.

Grants of lands and dignities made by the King with the assent of Parliament, or by parliamentary authority.

These are numerous and of considerable importance.

Remedial and other Commissions and Writs, issuing specially by virtue of particular Statutes, or Ordinances, such as those relating to the perambulations of Forests, Purveyances, &c.

Remedial and original Writs granted to individuals upon petitions addressed to the Council, in, or out of, Parliament.

Writs in the nature of Writs of Error.

These relate to judgments given in inferior Courts, not only in the kingdom of England, but in Wales, Scotland, and Ireland.

Writs in the nature of Writs of *Subpœna ad testificandum*, commanding individuals to appear before the Council in, or out of, Parliament.

Writs relating to the equitable jurisdiction of the Council, exercised when the Council sitting in Chancery had an ancient established jurisdiction, as in cases of visitation of ecclesiastical foundations, the incidents of tenures, &c.

These, in very many instances, originated out of Petitions presented in Parliament.

Writs of *subpœna* and *quibusdam certis de causis*, commanding the appearance of individuals, or of bodies politic or corporate, before Parliament, the Council, or the Chancery, and issued either upon Bills, or Petitions, presented to Parliament, or to the Council.

Writs of Proclamation and other process issued upon Petitions in Parliament, commanding the appearance of defendants before other Courts.

Exemplifications under the Great Seal of Proceedings in Parliament.

These, in some instances, will supply the chasms in the Rolls of Parliament.

Writs for the assessment and collection of tenths, fifteenths, and other taxes, and aids granted by consent of Parliament.

Memoranda on the Close Rolls relating to the proceedings of the Council and of Parliament.

Documents not strictly arising out of Parliament, but elucidating its proceedings or history.

These do not admit of any exact definition. As a particular instance, it may be sufficient to quote the Exemplifications from Domesday, granted at the close of the reign of Edward III. and in the 1st Richard III., and which the Commons, in their Petition, 1 Richard II. (*Rot. Par.* vol. iii. p. 21,) allege to have encouraged the villains to refuse the services due to their lords.

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[*Rolls of Parliament.—Writs of Election.—Statute Rolls.—Parliamentary Petitions, Writs, and other Proceedings consequential thereon.*]

[*From Manuscript Collection.*]

*Rolls of Parliament.*—There are no Rolls of Parliament now extant anterior to the reign of Edward I., the earliest existing Record of this description being the Roll of the 18th Edward I. preserved amongst the Records in the Treasury of the Exchequer (Chapter House.) Rolls of Pleadings *coram Rege et*

*Consilio* of an earlier period are found, but there are no consecutive Records of the legislature until the above-mentioned era. The Parliament Rolls during the reigns of Edward I. & II. are made up as judicial Records, *i. e.* the membranes are tacked together at the top of each skin. From the reign of Edward III. they are made up as Chancery Rolls, *i. e.* the membranes are attached end to end. And this alteration in form probably indicates the period when the custody of the Parliamentary Records was permanently entrusted to the officers of the Chancellor.

*Writs of Election.*—The earliest set of original Writs of Election and Returns of the Commons, is that of the 18th Edward I. (*Parl. Writs*, vol. i. p. 21 to 24), but the Writs of 23d Edward I. (*Parl. Writs*, vol. i. 34 to 45) were in the Exchequer; (34) and

(34) They are printed from the transcripts preserved amongst the Petyt MSS. in the Inner Temple Library.

The following Memorandum, which is in the hand-writing of the celebrated antiquary George Holmes, explains the circumstances under which the Petyt transcripts were made:—

"In my searches in the King's Remembrancer's Office in the Exchequer, near twenty years ago, I met with, in a great chest, several bundles of Writs and other Records, in the reigns of different Kings, huddled up together, and amongst them I found an imperfect bundle of Writs of Summons, with their Returns, to a Parliament to be held at Westm' anno 23d Edward I., the very first precedent of that nature hitherto found out by any man that I have heard of. This discovery being thus made by me, I ordered my clerk to take a copy of those Writs and Returns, which I have, and after acquainted Mr. Halsted (then Deputy to Sir Algernon May, Keeper of the Records at the Tower, and after to Dr. Brady) with my discovery, which, I believe, upon very good reasons, Mr. Halsted afterwards told the Doctor of."

"From this account two observations may arise. The first is, that Mr. Prynne had not in all his searches in the Exchequer met with the bundle *de anno* 23d Edward I.; for if he had he would undoubtedly have taken notice thereof in his printed book called *Brevia Parliamentaria rediviva*, as he did of several of the nature afterwards."

"The second is, that that bundle was found amongst the Records in the Exchequer, and not amongst the Records of the Tower, where the generality of Parliamentary Records are kept; from whence it may be fairly presumed, that the bundle of the 23d Edward I. was not the first and only bundle of that kind which was lodged in the Exchequer, but that there may be several others

it is possible that other sets of Parliamentary Writs may be ultimately found amongst the miscellaneous Records of that Court, so as to supply the deficiencies of the Records in the Tower.

*Statute Rolls.*—The laws of the Conqueror, and those ascribed to Henry I., are entered in the Red-Book of the Exchequer, and it is possible that the “assizes” of Henry II., of Richard, and of John, may have been preserved in some such volume for the more convenient use of the King’s Court. But there are no existing traces of any regular Record of the enactments of the legislature before the reign of Edward I. The *Great Statute Roll*, as it is called, begins with the Statute of Gloucester, 1278, and ends with the 8th Edward IV. A chasm then ensues, and from 1st Richard III. to the present time an enrolment in Chancery, differing in some technical particulars from the ancient Statute-Roll, authenticates the acts of the legislature.

The original acts are deposited in a strong tower, now converted into the Parliament Office, and which marks the boundary of the ancient Palace of Westminster.

In the earlier periods of our history the Statutes were framed, with great deliberation, by the sages of the law. Before the Bill, which contained the proposed Statute, was brought into “Parliament,” the King and his Council discussed its provisions, or, as appears from a memorable anecdote, the Council entrusted some one member with the task. Robert Walraund thus penned and prepared that chapter of the Statute of Marlebridge, 52d Henry III., which restrained the collusive infeoffments made by the father to his heir, for the purpose of defrauding the chief lord of his wardship; and which, according to the tradition of Westminster Hall, first took effect in Robert Walraund’s own grandson.

These ancient Statutes, as appears from some fragments yet extant in the Tower, seem to have been presented to Parliament as substantive documents—that is to say, in a draft, though en-  
of more ancient times which remain there undiscovered.”—*Petyt Collections*, vol. xv. p. 112.

The transcripts, as well as the memorandum, are in the hand-writing of Holmes, and were probably made by him from the copy taken by his clerk.

grossed upon parchment, and having the entire form of a Statute ; but which draft was, of course, subject to any verbal alterations, which might be suggested in the assembly, and such amendments appear upon the before-mentioned fragments. But the Statutes which originated upon the petitions of the " Commonalty of the Realm," were not brought into Parliament in a perfect shape. They resulted from the requests, or petitions, of the Baronage, or the Commons ; and, by combining the substance of the petition and of the answer, the law was framed by the King's Council, sometimes after the dissolution of the Parliament in which the request had been propounded. The few, yet solemn, acts of legislation anterior to 6th Edward I. are not extant upon any Record properly so called. They are collected only from ancient Manuscripts ; some of which, however, have an authoritative character, such as the *Lieger-Books* of monasteries, in which they were entered for the information of the community, and in the *Episcopal Registers*, which, it may be remarked, preserve many curious parliamentary proceedings, of later date, not upon the *Rolls*. The ancient manuscript Collections of the Statutes in public and private collections, and in which the unrecorded Statutes are preserved, are innumerable, and many belong to that happy period when all the written legislation of the realm was comprised in a gaily illuminated *duodecimo*. To these collections a Calendar is usually prefixed ; and sometimes the lawyer prefaced his manuals by a few quaint verses, the apophthegms of Aristotle, or a treatise on onomancy, in which—is it a satire upon the wisdom of the Courts?—the rules were given for predicting the result of a law-suit by valuing the letters of the plaintiffs and defendants' names.

*Parliamentary Petitions,—Writs, and other Proceedings consequent thereupon.*—These are of two classes. Public Petitions, or those presented to the King, generally by the Commons, and sometimes, though less frequently, by the other branches of the legislature. (35) Upon these Petitions, as before

(35) For an example of a Bill, or Petition, presented by the Prelates or Peers on behalf of the *Communitas*, see *Parl. Writs*, vol. i. pp. 104, 105, No. 45.

mentioned, the Statutes were grounded. Private Petitions, or those presented by individuals, or communities, in relation to their own affairs.

Parliament was anciently called together, not so much for the purposes of legislation, or taxation, as to the intent that the complaints, either of the commonwealth, or of individuals, might be discussed and heard. It was the King's high and extraordinary Court of Justice: the tribunal in which redress was to be obtained when the Courts of Common Law were unable or unwilling to grant relief. Annual Parliaments were required, because justice could not be administered without these assemblies. Here alone could the doubts of the learned in the law be solved, and the obstacles be removed, which impeded the due course of the law.

Where the Common Law became inefficient, the supreme remedial jurisdiction was vested in the High Court of Parliament. Here the people were invited to resort for the redress of all injuries and oppressions not cognizable by the ordinary tribunals; and the inability of the petitioner to sue at Common Law, or to obtain a fair trial by jury, according to the ordinary process, is the most common allegation in the Petitions.

The loss of our early Parliamentary Records throws great obscurity upon the proceedings of Parliament anterior to the 18th Edward I.; but it appears that until about the fifth year of his reign, all Petitions were brought before the King and his Council, in the first instance, by the petitioners. In that year he ordered that they should be discussed, in the first instance, by the judicial officers to whose department they belonged, and not brought before the King and Council, unless their weight and importance required it. Another regulation was established 21st Edward I. Receivers were appointed by the King, and the Petitions were to be well examined, and divided into five bundles.

“ Le Roi voete ordeine qe totes les petitions qe desi en avant serront liverrees as parlemens a ceaus qe il assignera a recevoir les, q qe totes les petitions seient tol a primer apres ce qe des serrunt receves bien examinees. Et qe a les qe touchent la



Chauncellerie seient mis en un lyax severaument. E les autres que touchent le Eschequer en autre liax. E ausi seit fete de celes que touchent les justices. E puis celles que serront devaunt le Roy e son Conseil severaument en autre lyax. Et ausi celles que averont este respondues devant en several liax. E ensi seyent les choses reportees devaunt le Roy devaunt ceo que il les comence a deliverer."—*Rot. Claus.* 21 Ed. I.

This practice, after some variations, settled, in the following reign, into the regular appointment of receivers of petitions for England, Ireland, Wales, and Scotland, for Gascony, the Islands and other parts beyond the seas—a form which is still observed by the House of Lords at the opening of every new Parliament. Generally the petitions are answered by the Council, which may be defined by considering it as a standing Committee of Parliament, chiefly composed of the law officers of the Crown; in what manner, and when, and how, the Prelates and Peers of Parliament were called to assist, does not appear; but it is certain that the Commons did not bring up the petitions of individuals, and that the latter, anterior to the reign of Richard II., had no participation in the remedial jurisdiction. This was exercised in various manners. A considerable proportion of the petitions related to the payment of the King's debts; these were often brought before him for his opinion. Matters of grace and favour were solicited before the Council in Parliament. If a remainder was in the King, or if land was held by royal grant or charter, actions brought against the tenant were often stayed by the judges until the Council granted a writ *de procedendo*. Pardons for offences and rewards for services were asked and obtained by petition to Council. Many petitions relate to those cases, in which the rights of the subject were withheld by the officers or ministers of the Crown. This grievance arose in very many instances where lands charged with the payment of rents or annuities, or liable to other claims, were vested in the Crown, or its grantees, during the minority of an heir, or by way of escheat, or forfeiture. And it also happened not unfrequently, that the tenants holding by estates less than freehold, or even by disseisin, died in possession of lands held in chief, in which case

the land was in like manner seized by the Crown, and withheld from the lawful owner. Such petitioners obtained proper writs in the Exchequer or Chancery. In other words, that jurisdiction, which afterwards became attributed to the Common Law side of the Court of Chancery, originally belonged to the Council in Parliament. Oppressions alleged to have been committed by the ministers and bailiffs of the Crown, nuisances, which could not be abated by the common law, and wrongs and trespasses, which could not be so redressed, constituted another fertile source of complaint to the Council. Sometimes these inquests were ordered to be determined in the Courts below. From this course is derived the present practice of the Court of Chancery, where, if issue is joined on the common law side, the record is delivered by the Chancellor to the Court of King's Bench, before which a jury is empannelled and judgment given therein. And sometimes inquests were ordered to be taken in the Courts below and returned before the Council for judgment. In most cases, which, allowing for the alterations in our laws and constitution, were equivalent to those in which evidence would now be investigated by examination of witnesses before committees of either House of Parliament, the evidence was then obtained by inquests taken under commissions ordered by the Council in, or out of, Parliament, and returned before the Council. To the King and Council were addressed petitions for grants of pontage, murage, and other tolls and duties of a similar nature. These, until the reign of Henry VI., were granted by charter, sometimes issued upon petition of Council, and sometimes upon petition of Parliament. In the last-mentioned reign another practice was introduced; the bill, having passed through both houses, was merely exemplified under the great seal, as a local act, deriving its validity from the legislature, without any words of grant from the Crown, and exemplified merely for evidence.

• A reminiscence of the ancient power of the Council is to be traced in the practice, which still obtains, of obtaining grants of light-house dues upon petition presented by individuals, or corporations, to the Privy Council, though the validity of such grants is doubted. On the other hand, from the petitions pre-

sented to the Council in Parliament are derived our local statutes. Whatever shape the grant assumed, it was preceded by a commission *ad quod damnum*, and the verdict of a jury, testifying that the privilege so required would not injure the King, or his lieges, preceded its creation.

These various proceedings, branching out of Parliament, are of the most multifarious description, but yet the scheme of procedure and jurisdiction is certain and consistent—a *petition to parliament*—a *writ* issued upon the petition—an *inquest*, if the allegations were such as could be proved by the country—and a *grant*, or adjudication either by the King, or by those, who acted in his name; and a careful exclusion of all parliamentary interference *when the matter was within the scope of the ordinary tribunals*. There is great reason to suppose that the loss of our earlier constitutional Records is not entirely the effect of accident, and that intentional spoliation has aided the ravages of time. When the Lords in opposition debated the resolutions, which were to limit the royal authority of Richard II., they moved for the production of the Statute by which Edward II. had been deposed, and upon consideration of this revolutionary document, the ordinances and commissions, which transferred the chief prerogatives of the Crown to a Council, were established and founded. All Records relating to the deposition of “Edward of Caernarvon” have entirely disappeared; and when it is recollected that the cancellation and destruction of Rolls and Records touching the “state and government” formed a prominent charge in the impeachment of Richard II., it seems probable, that during his short and transient interval of prosperity, he destroyed these dangerous precedents. The Rolls of Parliament were not accessible to the subject and open to inspection like other Records: they were concealed from the public eye. This fact is proved by the following transaction:—There is now existing in the Tower an ancient book, not a Record, but a private compilation,(36) which was deposited amongst the muniments

(36) From the hand-writing of this volume it may be conjectured that it was transcribed early in the reign of Edward III. Before it came into the Tower it passed through several hands. In 1586 it belonged to Fleetwood, the Recorder of London.

some time about the beginning of the seventeenth century, called or quoted by the names of the *Black Book*, or the *Vetus Codex*, (37) and containing transcripts of various parliamentary proceedings, some of which are extant, whilst others are lost. Amongst the former is the Roll of the 20th Edward I.; and in the 6th Richard II. an *exemplification* being required of certain privileges granted to the abbot of Marmoustier, the chapter or section is stated in the patent to have been extracted from a "certain volume," being the book in question, and not, as is *always* the practice with Records, from the original and authentic source. The language of the exemplification is such as to show, that the volume was not then preserved in any public repository; and there is no doubt, but that if the Parliament Roll could have been searched, the suitor would have resorted to it according to the usual course, which was as regularly established then as at the present day. The concealment of the parliamentary Records will account for the very slight notices, which our ancient legal writers afford, either of the judicial proceedings of Parliament, or of its institutions. No one in reading Fleta would suppose that the Council in Parliament was the prime mover of the administration of the law; and these circumstances will also explain the very inaccurate accounts, which have been preserved by contemporary writers concerning the Great Council of the Realm.

Of the Statutes the ancient transcripts are innumerable; but the *Vetus Codex* is the only ancient copy hitherto known of a Roll of Parliament.

Many Parliamentary documents have been lost to posterity by negligence and neglect. Until the reign of Edward II. the entries on the "Close Roll" of the Writs of Summons and of Elections were extremely irregular. It appears to have been the practice (yet continued) for the clerk of the Chancery to make out the Writ from what is termed the *Parliament pannel*, that is to say, a pannel, or schedule, of parchment containing the form of the mandate, and which it was his duty afterwards to enter upon the Close Roll. Now it is apparent, from the exami-

(37) [See ante, p. 176, and Grimaldi, *Origines Genealogicæ*, p. 101.]

nation of the Records, that such business was considered of secondary importance when compared with the documents concerning property. Sometimes the clerks allowed the pannel to remain upon the file without transcribing it, or they would content themselves with tacking it as a *rider* to the Close Roll; whilst every Writ relating to land was carefully recorded and enrolled, long before the clerks of the Chancery felt it a duty to make the Parliamentary enrolments with more regularity. In a constitutional point of view this fact is of great importance; since every argument, arising from the non-appearance of Parliamentary Writs upon the Close Roll, must fall entirely to the ground, and, though the Records do not furnish any Writs of Summons of the temporal Peers anterior to the Parliament convened by Simon de Montfort, still as there is full evidence upon the Pipe Rolls, that they were issued as early as the reign of Richard Cœur de Lion, we can only attribute their absence on the Roll to the carelessness of the official transcriber. This slovenliness is shown in many instances; it is not uncommon to find a Baron summoned to Parliament many years after he had been consigned to the grave, to the great perplexity of the toiling genealogist, who vainly endeavours to reconcile the contradictions of the most authentic materials of the pedigree.

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## CHAPTER XV.

### THE INQUISITIONS POST MORTEM.

#### ACCOUNT OF THE CALENDAR OF THE INQUISITIONS POST MORTEM.

[*From the Preface to the Work.*]

THE Records preserved in the Tower of London, entitled *Inquisitiones post Mortem*, or, as they are sometimes called, *Escheats*, commence with the early part of the reign of Henry the Third, and end with the third year of Richard the Third.

Of the nature of these Records the following account was given by the late Thomas Astle, Esquire, Keeper of the Records in the Tower, in his Return to the Order of the Select Committee of the House of Commons appointed to inquire into the State of the Public Records of the Kingdom, printed in the Reports thereupon made, p. 54, viz.

“ These Records are preserved in bundles, chronologically arranged; they were taken by virtue of Writs, directed to the Escheators of each County or District, to summon a Jury on oath, who were to inquire what lands any person died seised of, and by what Rents or Services the same were held, and who was the next Heir, and of what age the Heir was, that the King might be informed of his right of Escheat or Wardship: They also show whether the Tenant was attainted of Treason, or was an Alien, in either of which cases they were seized into

the King's hands; they likewise show the Quantity, Quality, and Value of the Lands of which each Tenant died seized, &c. and they are the best Evidences of the Descents of Families and of Property." (1)

The printed Calendar to these Records is a Transcript of the Official Calendars, revised and corrected with the Originals by Mr. Robert Lemon, Chief Clerk in the Tower.

[The first volume commences with the second year of King Henry the Third; and the second concludes with the end of the reign of Edward the Third. The third volume comprehends the reigns of Richard the Second and Henry the Fourth. Indexes of Persons and Places are subjoined to each volume.]

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*[From the Preface to the Fourth Volume.]*

Previous to the completion of the Calendars of the Inquisitions *post mortem*, which are preserved in the Tower, it was deemed necessary that the immense mass of Miscellaneous Records in that repository should be carefully looked over, in order that any deficient documents of the same nature should be collected and added to the general series. This was done, and the result was the recovery of a large portion of the Inquisitions which are noted in the preceding volumes as lost, and the discovery of upwards of three thousand other important documents of the same kind, in the several reigns from King Henry the Third to James the First, inclusive.(2) These have been chronologically arranged,

(1) [Whenever the Return to the Writ comprehends an Extent, which is often the case, a minute and accurate description of the property is given.]

(2) [This circumstance has occasioned some severe but not undeserved remarks.—See *Westminster Review*, vol. x. p. 408; and *Nicolas, Observations on the State of Historical Literature*, pp. 84–86.]

and a Calendar of them is printed as an Appendix to the fourth volume (3).

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[*From the Appendix to the First Report of the Select Committee of the House of Commons on the Public Records.*]

*The Inquisitions post Mortem.*—The Inquisitions in the Tower begin with the first year of the reign of Henry

(3) [*"The Inquisitiones Post Mortem bear the same relation to each distinct barony and estate, which Domesday does to the kingdom in general. Upon the death of a tenant in capite his land was seized by the crown; a jury was then empannelled before the escheator, and the jurymen were charged upon their oaths to declare the particulars and value of the property, and the name and age of the next heir. This proceeding was returned to the Chancery, and a duplicate was also transmitted to the Exchequer: the heir, if an adult, then appeared in court, and upon performance of homage to the King, and payment of his reasonable relief, the estate was restored to him. If, on the contrary, the heir was a minor, he and his land remained in wardship until he could sue out his writ De Etate Probanda, under which process witnesses were examined; and their depositions being returned into Chancery, he was released from wardship: but during which bondage, however, a yoke of another description had been usually imposed upon him, which was not to be thrown off with equal facility. The sale of the marriage of an heir, whether male or female, was a most valuable perquisite, and the price brought by the "gentile Bachelor," or the blooming Damsel, was regulated by the bargains of the contracting parties, that is to say, the King, or his grantee, who sold the bride or bridegroom, and by the parent, who bought the match for the benefit of his offspring. The Records relating to these parts of the Crown Property (and even as late as the reign of James I. the law and the abuse continued in full vigour) afford a singular view of the state of society, and form a whimsical contrast to our modern ideas. Instead of finding a Serjeant-at-arms despatched to punish a clandestine marriage, we discover the same worthy officer employed for the purpose of apprehending a ward, who had been guilty of a contempt of court by refusing to accept the hand of the lady, who had been duly tendered to him by the Attorney-General before the Master of the Rolls. In the reign of Henry II. the crown wards were regularly catalogued and inventoried, like the slaves of a plantation. According to the Assizes of Jerusalem, the sage and venerable matron who was so fortunate as to attain the unmolested age of threescore, might refuse a husband without incur-*



the Third, 1216, and end with the third year of Richard the Third, 1485.

ring the penalties consequent upon a contempt of the King's authority. But even at that venerable age, when she was allowed to retain her widow's weeds, she was still put down in the English record with all particulars, so that the opportunity, whether more or less remote, of disposing of her, might not be lost to the Treasury. *Magna Charta* mitigated this domestic tyranny, but still the evil remained; and the knight might perhaps envy the tenure, which enabled the free Socman to chuse his mate, without fear of being exchequered for his disobedience in following the impulse of his own heart."—*Qua. Rev.* vol. xxxix. pp. 58, 59.]

[" During the prevalence of the feudal system the greater part of the lands in England was held either mediately, or immediately, of the Crown. On the death of each tenant *in capite*, a tax, called a 'relief,' was due to the King; and before the heir could take possession, he was not only bound to pay it, but also to perform homage, after which ceremony livery of his inheritance was given him. In the cases, however, where the heir was a minor, or the last tenant had been attainted of treason, or felony, the lands in the former case escheated to the Crown, until the heir attained his majority, made proof of his age, and performed homage; but, in the latter contingency, absolutely and for ever."

" In each county an officer was appointed, called the 'Escheator,'\* whose duty it was to seize into the King's hands all lands held *in capite* of the Crown, on receiving a writ entitled a writ *De diem clausit extremum*, commanding him to assemble a jury to inquire,

- " 1. Of what lands the party died seised;
- " 2. By what rents or services the same were held;
- " 3. Who was his next heir, and of what age the said heir then was."

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\* " A history of the office of 'Escheator' is a desideratum in antiquarian literature. Many notices for the purpose will be found on the Rolls of Parliament and in the Statutes of the Realm. By Stat. 34 Edw. III. c. 13, it was provided, that escheators should take their inquests, by creditable persons in good towns, openly and not privily. By Stat. 23 Hen. VI. c. 16, they were compelled to hold their inquests within one month after receiving the King's writ of *Diem clausit extremum*. It is evident from these enactments, that the office had been much abused. Escheators were usually appointed during the King's pleasure; though it was forbidden by Stat. 14 Edw. III. that any Escheator should continue in his office more than a year, and enacted that they should be chosen in the same manner as Sheriffs, namely, by the Chancellor, Treasurer, and Chief Baron of the Exchequer, with the assistance of the two Chief Justices, with a salary of 10*l.* per annum. A copy of the oath taken by them occurs in the Red Book of the Exchequer, and is printed in the *First Report on the Public Records*, p. 234-5, as well as in the *Authorized edition of the Statutes of the Realm*, vol. i. p. 249."

*The Inquisitions post Mortem.*—The Escheat Bundles at the Rolls Chapel contain original Inquisitions *post*

"The inquest was taken on oath, and the verdict returned under the seals of the jury, and upon that report the Crown acted. It is thus evident that *Inquisitiones post Mortem*, or, as they are sometimes incorrectly termed, 'Escheats,' contain valuable information connected with the descent of lands and families, and are of the first importance to topographical writers, and for genealogical evidence."

"The earliest *Inquisitiones post Mortem* on record are of the reign of King Henry the Third, and they were continued until the Restoration of Charles the Second, when the Court of Wards and Liveries, which had been established by Statute 32 Hen. VIII. c. 15, to controul the abuses to which the system had given rise, was abolished."

"The printed Calendar refers only to the Inquisitions *post Mortem* in the Tower, which end with the reign of Richard the Third; the subsequent Inquisitions being preserved in the Rolls Chapel." \* \* \* \*

"It is not generally known, that transcripts of the Inquisitions *post Mortem*, from the reign of Edward the First to that of Charles the First, exist in the King's Remembrancer's Office in the Exchequer, which are in good preservation; and that similar Inquisitions, which were taken by escheators, *virtute officii*, without writ or commission, are in the same repository."

"The volumes of the printed Calendar are chronologically arranged, and present the number of the Inquisition, the name of the party on whose death the Inquisition was taken, the names of all the lands mentioned therein, with generally a notice if the tenant was a felon, or an idiot. To each volume copious *Indices Locorum et Nominum* are appended; but, in using the Calendar, some caution is necessary, and the following hints may prevent mistakes."

"In many instances, and most commonly with respect to the 'second numbers,' notices occur of Inquisitions which were not Inquisitions *post Mortem*, but proceedings connected with alienation, or enfeoffment of lands to trustees, often for religious or charitable uses.\* It does not always follow that the lands mentioned were the property of the person to whom the Inquisition relates, though it is certain that they are mentioned therein; for they may be lordships, of which he held only a trifling tenement, or to which he was bound to pay a customary rent."—*Nicolas on the Public Records*, pp. 77-79.]

[Respecting the *Inquisitiones post Mortem*, see also *Nicolas, Notitia Historica*, p. 125; and *Grimaldi, Origines Genealogice*, p. 144.]

\* [The "second numbers" are often Inquisitions *ad quod Damnum*. It must not therefore be supposed that the finding of an Inquisition in this Calendar in a particular year is proof that the person to whom it relates died at that period. The Inquisition, on the contrary, frequently affords the best evidence that such person was then living. See further, *Westminster Review*, vol. x. p. 407, and *Nicolas on the State of Historical Literature*, p. 84.]

*Mortem*, taken principally under writs of *Diem clausit extremum*, of Lordships, Manors, and Lands holden *in capite*, whereof any person was seized at the time of his death; and in some cases by the Escheator, *Virtute Officij*, or by the Escheator or Commissioners, by Writ, or Commission, finding title in the Crown. These Inquisitions commence the first year of King Henry the Seventh, and are regularly continued to the twentieth year of King Charles the First, when there was an intermission of the business of the Court of Wards and Liveries, which was abolished soon after the Restoration of King Charles the Second; but there are a few Inquisitions taken upon writs *De Lunatico Inquirendo*, and other Inquisitions or Offices, finding titles in the Crown, after that period (3).

*The Inquisitions post Mortem*.—The Inquisitions *post Mortem* in the King's Remembrancer's Office in the Exchequer are Transcripts of the Inquisitions *post Mortem* in the Tower, and in the Rolls Chapel there is a series of them from the reign of Edward the First to the reign of Charles the First. They contain not only the Possessions of persons tenants *in capite*, but also the Extent, Survey, and Valuation of the Manors, Lands, and Possessions of vacant Bishoprics, and vacant Abbies and Priors of Royal Foundation. The Records are in good preservation, and are capable of supplying defects which the Originals, from dust, damp, loss, and other accidents, may have sustained.

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[From Manuscript Collection.]

*The Inquisitions post Mortem*.—The series of these important and valuable documents commences in the reign

(3) [A few sheets of a Calendar of the Inquisitions preserved at the Rolls Chapel have been printed by the direction of the Commissioners on the Public Records, but the further prosecution of the work has been suspended for reasons, which it is not necessary to state.]

of King Henry the Third, and is continued at the Tower to the end of that of Richard the Third. For general information concerning Real Property, its descent, and the Pedigrees of families, these documents are perhaps the most valuable of any of our national Records. On the death of any person seised of lands, writs were directed to the Escheator of each county or district in which such lands were situated, commanding him to take them into the King's hands, and to inquire by jury what those lands were, their annual value, the rents or services by which they were holden, and who was the next heir of the deceased, and his age; and the Inquisition so made the Escheator was directed to send into the King's Chancery under his seal and the seals of the Jurors. These Records, particularly in the earlier reigns, frequently contain the most minute and valuable information, not only as regards the extent, the value, and descriptions of the property, but also as regards the state and manners of society in those times. The numbers and condition of the several tenants of manors are set forth, the lands they held, the courts that were holden and their value, as well as markets, fairs, fisheries, ferries, parks, warrens, mills, &c. where there were any. In short, the information contained in very many of these documents is of so extensive and curious a kind, that it would be difficult to fully describe them or to appreciate their value. (4)

(4) ["There are two entire classes of public Records, both highly important, which I am conscious have been but imperfectly used, and which I presume to think are but imperfectly used, by any person who has yet approached the subject of English topography. I mean the *Inquisitiones post Mortem*, and the early Wills."\*—*The Rev. Joseph Hunter, History of South Yorkshire*, vol. ii. p. 1831.]

[Mr. Hunter observes, that the Commissioners of Public Records committed

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\* [See the Prefaces to a *Collection of all the (Royal) Wills now known to be extant* (by John Nichols, Esq.), and *Nicolas, Testamenta Vetusta*.

The importance of modern Wills for legal purposes is obvious. They also

The subject of these Inquisitions must not be left without mentioning that it has been the pernicious practice of former times to wash over the face of these documents with an infusion of spirits and galls whenever it was necessary for them to be transcribed; and it is clear that this injurious system was in very many instances adhered to when there was not the slightest occasion for its use. This mixture has the immediate effect of bringing up the writing and rendering a document legible, although before its application, to a common eye, a single letter was scarcely to be discerned; but it has at the same time an equally powerful effect on the vellum or parchment, and in the course of time it renders that as black as the ink itself. In this lamentable condition are some hundreds of the most important of these documents in the Tower,

a fatal error by ordering that Calendars should be printed, and not that concise Abstracts of the Inquisitions themselves should be prepared for the press. The most curious and important information in every Inquisition, he alleges, is thus entirely withheld from the public, namely, the names and ages of the heirs.—See on the same subject *Nicolas, Observations on the State of Historical Literature*, p. 84; *Retrospective Review*, vol. i. p. 68, Second Series; and *Westminster Review*, vol. x. p. 407.]

[It is incontestable that the printed Calendars would have been much more useful to the public had they contained the names and ages of the heirs. The gentleman who was employed on the two last volumes has stated, that had he been permitted to alter the plan of the work, he should have deemed it advisable to have added to each Inquisition the name of the heir of the deceased. Mr. Nicolas has published proposals for a work which will supply this defect. It is to be entitled *Hæredum Calendarium*, containing the Escheator's Returns of the names and ages of the heirs, which in the printed Calendars are omitted.\*

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afford valuable materials for biography. The suggestion of printing the Indexes to the Wills in Doctors' Commons deserves more attention than it has hitherto received.—*Retrospective Review*, vol. i. p. 345, vol. ii. p. 531, Second Series; *Westminster Review*, vol. x. p. 410; *Nicolas, Observations on the State of Historical Literature*, p. 69.]

\* [Should Mr. Nicolas be prevented from executing his intention, it is probable the present Record Commissioners will direct the completion and publication of a fifth or supplemental volume, which will afford the information desired, and will correct some other errors apparent in the four volumes described at the beginning of this chapter.]

some of which are already illegible, others are every day approaching to the same state, and before the lapse of another age most of them may be totally useless.

To prevent the entire loss of these valuable muniments to posterity, it is suggested, that every one of the documents to which this liquid has been applied should be transcribed, and the copies of them examined and authenticated by Commissioners, and some further measure should then be adopted by the Legislature to render these authenticated copies legal evidence; without which forms and authority, transcripts would be of but little use;(5) and it is suggested, that it is a work that might be accomplished at an expense trifling compared with the great national importance of it.(6) (7) (8)

The Commissioners on the Public Records of Ireland have much increased the value of the Calendars of Inquisitions printed under their direction, by including the names and ages of the heirs.]

(5) [The attention of the Commissioners on the Public Records was drawn to this subject several years since, as appears by a letter addressed by the late Sir Thomas Plomer, Master of the Rolls, to the Speaker of the House of Commons. Both the Master of the Rolls and the Speaker are Commissioners *virtute officii*. The following is an extract from the letter, which is dated the 14th of July, 1820 :

“ I had intended to have called the attention of the Commissioners to a subject of great importance respecting the Records at the Tower, which appears to me to demand the early relief of the Legislature. I mean the want of an Act to authenticate copies of such Records as are in danger of becoming illegible, without which, when the originals are defaced or obliterated, there may be considerable difficulty of publishing for permanent use, and particularly to be in all future times unexceptionable evidence in Courts of justice, any copies that may be made, however correct and faithful. I beg to submit to the better judgment of the Commissioners, whether it may not be proper to apply for, in future Sessions, an Act to guard against this public inconvenience, by directing that Copies of the Records, duly authenticated in such manner as the Act may prescribe, shall be received in evidence in all Courts of Law and Equity, in like manner as the Originals might have been had they continued to exist. The Original and Duplicate Copy may both be preserved; and a power given to some Judge, or perhaps, if thought proper, the Master of the Rolls, to administer an oath to the Officer who has made the Copy, as to its perfect accuracy, and

a form prescribed to be indorsed on the Copy, testifying its authentication, and duly signed by the Officer and the Judge."]

(6) [There is in the British Museum a copy of some Rolls belonging to a period thirty-three years prior to the earliest Inquisition *post Mortem*, and affording similar information. These Rolls relate to twelve counties, and contain "abstracts of the Inquisitions taken in the year 1185 (31 Henry II.), for the purpose of ascertaining the wardships, reliefs, and other profits due to the King from widows and orphans of his tenants *in capite*; minutely describing their ages and heirship, their lands, the value of them, the beasts upon them, and the additional quantity necessary to complete the stock." This Record, which has been lately published by Mr. Stacey Grimaldi, is entitled, *Rotuli de Dominabus et Pueris et Puellis de Donatione Regis in XII Comitatus: Lincolnscir, Nurhamtonsire, Bedefordsire, Bukinghamsire, Roteland, Hunte-donsire, Norfolk, Sudfolk, Hertfordesire, Essex, Cantebrigesire, Midelses, de Itinere Hugonis de Morewich, Radulfi Murdac, Willelmi Vavassur et Magistri Thome de Hesseburn.*]

(7) [The Irish Inquisitions *post mortem* do not commence before the reign of Elizabeth. See the *Catalogue, Reports from the Commissioners on the Public Records of Ireland*, vol. ii. p. 432. But see the *Catalogue*, *ibid.* p. 562. See also vol. i. pp. 414, 449, 459. Two volumes of a Calendar of the Irish Inquisitions in the Rolls Office have been published under the title of *Inquisitionum in Officio Rotulorum Cancellariæ Hiberniæ asservatarum Repertorium*. The volumes published relate to Leinster and Ulster. A portion of a third volume, intended to comprise the Munster Inquisitions is also said to have been printed. The Inquisitions in the Chief Remembrancer's Office relate chiefly to the possessions of dissolved monasteries. See *Report from Select Committee on Irish Miscellaneous Estimates*, 19th June, 1829; and *Sessional Papers, House of Commons, Public Records, Ireland*, 7th July, 1830.]

(8) [See also Bayley, *History and Antiquities of the Tower of London*, p. 234.]

## CHAPTER XVI.

### THE ORIGINALIA.

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#### ACCOUNT OF THE PUBLICATION OF THE ABSTRACT OF THE EXCHEQUER ROLLS CALLED ORIGINALIA.

[*From the Preface to the Work.*]

THE general nature of the Records of the Court of Exchequer, called *Originalia*, in the Lord Treasurer's Remembrancer's Office, was thus stated by the Right Honourable Sir Richard Heron, Baronet, in his Return, printed in the Reports from the Select Committee appointed to inquire into the state of the Public Records of the Kingdom, &c. p. 155: "The *Originalia* are the Estreats transmitted from the Court of Chancery into this Office, of all Grants of the Crown inrolled on the Patent and other Rolls, whereon any rent is reserved, any salary payable, or any service to be performed; which Estreats commence about the beginning of the reign of Henry the Third, and are continued to a late period."

The printed Abstract commences with the Roll of the twentieth year of King Henry the Third, no earlier Record of this nature being discoverable, and concludes with the end of the reign of Edward the Third. It has been compiled from a careful examination of the Office Repertories with the Records themselves; the former, though of considerable use, having been found not deserving of implicit reliance. An *Index Rerum*, an *Index Locorum*, and an *Index Nominum* are subjoined to each volume.

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[*From Manuscript Collection.*]

The *Originalia*.—These Records commence in the reign of Henry the Third and are continued with some chasms to the present time.



The contents of the early part of this species of Record have hitherto been totally unknown to the public, except by the slight extracts which are to be found in the Works of the Exchequer historian, Mr. Madox, and other learned antiquaries.

There is a material advantage to be derived from the publication of this Work, namely, that an Index to the more modern part of the *Originalia* (from Henry the Eighth to Queen Anne) having already been published by Mr. Edward Jones, in a folio volume of a size nearly similar to the Works published under the direction of his Majesty's Commissioners, Mr. Jones's Index will form a very proper Supplement to the present Work, and render it complete.

[*From Manuscript Collection.*]

*The Originalia.*—About the time of the Dissolution of Monasteries, when numberless grants of lands, &c. were made by the Crown, upon which fee-farm rents were reserved, it became necessary that the Court of Exchequer should be certified of the nature and extent of these grants and of the rents reserved thereupon, in order that it might be enabled to issue process in case of default of payment, and neglect of services, &c. For this purpose a duplicate or transcript was sent from the Chancery, and these transcripts were inrolled in the *Originalia*.

An Index to most of these grants forms the first volume of Mr. Jones's publication: this Index, however, is exceedingly imperfect, inasmuch as, with very few exceptions, the places granted are not mentioned.

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[*From Manuscript Collection.*]

*The Originalia.*—These Rolls are the Estreats transmitted from the Court of Chancery to the Court of Exchequer, of all grants inrolled on the Patent and other Rolls, whereon rents are reserved and salaries payable,

&c.; they contain also much matter peculiarly applicable to the Exchequer; their contents until the publication of the abstract under the authority of the Record Board were quite unknown to the public.

Amongst other important matters to be found in them are fines made to the King for Licenses of Entry and Alienation, by means of which the precise dates when monastic establishments, corporate bodies, and individuals obtained their estates may be discovered; facts of much importance and value.

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[*From Manuscript Collection.*]

*The Originalia.*—The Exchequer, being the great conservatory of the King's revenue, hath in charge the land and annual revenue of the Crown; and all charters, patents, grants, deeds, and other instruments, in any manner affecting those revenues, must, therefore, be enrolled in the Exchequer, in order to answer the Record of Charge. Thus all lands, being the property of the Crown whilst in the Crown, must have been accounted for at the Exchequer: and when granted out it was necessary that such grant should be of Record in this Court, to warrant the discharge of the original issues, and to charge the grantee, by the process of the Court, with the rent or services reserved. So, when a charter is granted to any city, borough, or town, it generally gives some immunities arising from the casual revenue within the place, or grants to it fairs or markets, the profits of which had until then been accounted for; and they generally reserved some dues, rents, or services to the Crown.

These and various other instruments under the Great Seal, by reason of their connection with the Exchequer, have been transmitted there from time to time from the Petty Bag or Common Law side of the Court of Chancery, and bear the name of the *Originalia*, or more properly, *Estreats or Transcripts of the Original Enrolments*

in *Chancery*. It was anciently the practice for the Master of the Rolls, as the Chief Clerk of the Petty Bag and *Custos Rotulorum* of the Court, to deliver the Rolls of the *Originalia* in person to the four Barons in full Court; similar to the Rolls of Fines, imposed in the King's Bench and Common Pleas, being to this day delivered to the Barons in open Court by the Puisne Judge of those two Courts.

These Rolls commence in the reign of Henry III. and are continued till a late period.

Indexes to the *Originalia* have been printed under the direction of the Record Commissioners.

Some other Indexes have been printed, by the late Mr. Edward Jones, from Manuscripts bequeathed to him by Mr. Chapman, a former Clerk in Court, comprising two volumes in folio; but they are a very partial collection, and are deficient in many reigns as to the names of places and subject-matter. The Preface to this Work does Mr. Jones great credit, and is deserving of the reader's attention.

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[*From Manuscript Collection.*]

*The Originalia*.—The general contents of these Records are mere Estreats transmitted from the Chancery to the Lord Treasurer's Remembrancer, of all grants, &c. from the Crown, whereon any rents were reserved, sums of money payable, or services of any kind to be performed, &c. which grants are inrolled at full on the Patent, Close and Fine Rolls in the Tower. The Calendars of the *Originalia*, in the absence of perfect Calendars of the Patent, Close and Fine Rolls, are of considerable utility, as affording a means of reference to them. (1) (2)

(1) [*The Originalia*.—"The contents of the Originall are these: viz.

"1. The names of all Sherifes, Escheators, Customers, Controllers, Searchers, Fermors of Vlnage, Fermors generally; that they may be called vnto accompts."

"2. All Liueries sued out of the King's hands; that processe may be made

against the King's tenants, for doing of their homage, and answering of their relieves."

"3. All manner of Patents, granted by the King to any person, wherein is reserved or contained any homage, or fealtie, or else any yearly rent to his Maiestie, or whereby a fee is granted."

"4. All manner of Commissions to any Justices of Peace, Justices of Sewars, Justices of all kinds; that process may be made against them for deliviering of Recognizances, Issues, Fines, Amerciaments, taken before them."

"5. All manner of Commissions, directed to any person or persons, to enquire of any lands or tenements of such as have beene offenders to the King. In which Commissions the Commissioners have authority to seize the said lands, or tenements, to the King's vse; that processe may be made against the said Commissioners for the profits thereof."

"6. All names of all Collectors of Subsidies, Fifteens, Dismes, Taxes generally, to call them to accompt."

"7. There is likewise in the said Originall (or at least should be) all Pardons of course, granted of grace, for manslaughter; by which, though the life be pardoned, yet the goods of the party so pardoned be forfeith; so thereby processe may goe forth, to enquire what goods or chattels hee had at the time of the doing of the offence."

"8. Also vnder the title of *Diem clausit extremum* are all the names of such persons as after whose deaths the Escheator hath found any office, or title, for the King, by knight's service, &c.: and in how many shires the said office was found, and before what Escheator: that in case one office made no mention of any tenure for the King, whereby he should have a right, yet then they may examine all the other shires whether there be any tenure for the King in them."

"Also there are, or should be, all Recognizances forfeited to the King in Chancerie, and Charters of Denisation.—And these be the contents of the Originall for the most part, which, though it were dis-vsed in the Lord Chancellor Cromwel's dayes, yet it was restored to his former vse afterwards."—*Powell; Direction for Search of Records*, pp. 29 to 32.

This work was published in 1622. (*Worrall, Bibliotheca Legum*, mentions an edition of 1641.) It is extremely scarce. The title is as follows: *Direction for Search of Records remaining in the Chancerie, Tower, Exchequer, with the Limnes thereof: viz. King's Remembrancer, Lord Treasurer's Remembrancer, Clarke of the Exchequer, Pipe, Auditors, First Fruits, Augmentation of the Revenue, King's Bench, Common Pleas, Records of Courts Christian; for the clearing of all such Titles, and Questions, as the same may concerne.—With the accustomed Fees of Search: and diuerse necessarie Observations. Cui Author Thomas Powell, Londino-Cambrensis.*

[Respecting the *Originalia* consult also an anonymous work of the same writer published in 1631, entitled *The Repertorie of Records remaining in the Four Treasuries on the Receipt Side at Westminster*,—the two Remembrancers of the Exchequer.—With a briefe introductiue Index of the Records of the Chan-

*cery and Tower : whereby to give the better Direction to the Records aboussaid. As also a most exact Calender of all those Records of the Tower : in which are containyd and comprised whatsoever may give satisfaction to the Searcher for Tenure or Tytle of any thing, pp. 122—127.]*

[*The Originalia*.—"The Exchequer, being the grand conservatory of the King's revenues, bath of charge the land and casual revenues of the Crown ; and all matters, deeds, charters, or instruments, in any manner affecting those revenues, must, therefore, be of record to answer the record of charge ; thus, all lands, being the property of the Crown whilst in the Crown, must have been accounted for in the Exchequer ; and when granted out, it was necessary that that grant should be of record, to warrant the discharge of the original issues ; and to charge the grantee by the process of the Court with the rent and services reserved."

"And with respect to the casual revenues arising from fines, issues, and forfeitures, when any charter is granted to any city, borough, or town, forming it into a body politic and corporate, it generally gives some immunities arising from the casual revenue within that city, borough, or town, or grants it fairs or markets, the profits of which had until then been accounted for ; and they generally contain some dues, rents, or services reserved to the Crown, or from courts of justice being created therein, the casual revenues arising in which ought to be returned to the Exchequer, to be there dealt with according to the course of the Court. And also the commissions of the peace, the patents of creations, the licenses of deafforestation, to alienate, to impark, to dispark, patents of inventions, constitutions or patents of the officers of the Crown, and various other matters under the great seal, by reason of their connection with the Exchequer, are transmitted there from the Petty Bag Office in Chancery, and bear the name of *Originals*, or *Originalia*."

"Also fines and forfeitures set or imposed, as well in the said Court of Chancery, as in the Court of King's Bench, Common Pleas, Courts of Sessions of the Peace for counties, cities, boroughs, towns, &c., and before Commissioners of Sewers, are likewise returned into this Court."—*Jones, Index to the Originalia and Memoranda*, Preface, pp. xxviii. xxix.]

(2) ["Numerous notices of an historical and antiquarian nature occur in the *Originalia*, which throw much light on the genealogies of families, on the descent of lands, and occasionally on manners and customs, as well as on the general state of society in the thirteenth and fourteenth centuries."—*Nicolas on the Public Records*, p. 56.]

[See further respecting the *Originalia*, *Madox, History of the Exchequer*, vol. ii. p. 254 ; *Gilbert, Treatise on the Court of Exchequer*, pp. 103-106 ; *Price, Treatise on the Law of the Exchequer*, p. 269 ; *Grimaldi, Origines Genealogicæ*, p. 158 ; *The Report of the Lords' Committees, April, 1719*, p. 78 ; and the *Report from the Committee on the Cottonian Library, May, 1732* ; *Reports from Committees of the House of Commons*, vol. i. p. 515.]

## CHAPTER XVII.

### ACCOUNT OF THE VALOR ECCLESIASTICUS.

Temp. Hen. VIII.

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*[From a Tract (by Mr. Nicolas) on the Public Records.]*

IN the twenty-sixth year of the reign of King Henry the Eighth, *anno* 1534, Parliament ratified and confirmed that Monarch's title of "Supreme Head on Earth of the Church of England." A Statute was immediately afterwards passed, the preamble to which recites that the Lords Spiritual and Temporal and Commons desired and most humbly prayed "that for the more surety of continuance and augmentation of his Highness' Royal estate, being not only now recognized (as he always indeed hath heretofore been,) the only supreme head in earth, next and immediately under God, of the Church of England, but also their most assured and undoubted natural sovereign liege Lord and King, having the whole governance, tuition, defence, and maintenance of this his realm, and most loving and obedient subjects of the same," it might be enacted "that the King's Highness, his heirs and successors, Kings of this realm, shall have and enjoy, from time to time, to endure for ever, of every such person and persons which shall at any time after the first day of January next coming be nominated, elected, perfected, presented, collated, or by any other means appointed to have any Archbishoprick, Bishoprick, Abbacy, Monastery, Priory, College, Hospital, Archdeaconry, Deanry, Provostship, Prebend, Parsonage, Vicarage, Chantry, Free Chapel, or other Dignity, Bene-

fice, Office, or promotion Spiritual, within this realm, or elsewhere within any of the King's dominions, of what name, nature, or quality soever they be, or to whose foundation, patronage, or gifts soever they belong, the First Fruits, Revenues, and profits for one year, of every such Archbishoprick, Bishoprick, &c. afore-named, whereunto any such person or persons shall after the said first day of January be nominated, &c.; and that every such person and persons, before any actual or real possession, or meddling with the profits of any such Archbishoprick, Bishoprick, &c., shall satisfy, content, and pay, or compound, or agree to pay to the King's use, at reasonable days, upon good sureties, the said first fruits and profits for one year." It was further provided, for the better maintenance of the Crown as Supreme Head of the Church, that the King should yearly receive " united and knit to his Imperial Crown for ever, one yearly rent, or pension, amounting to the value of the tenth part of all the revenues, rents, farms, tythes, offerings, emoluments, and of all other profits, as well called Spiritual as Temporal, appertaining or belonging, &c. to any Archbishoprick, &c. as afore-named, within any diocese of this realm, or in Wales; the said pension, or annual rent, to be yearly paid for ever to the King, his heirs and successors, at the Feast of the Nativity, and the first payment thereof to begin at the Feast of the Nativity, A. D. 1535." It was further enacted, that the Chancellor for the time being should have power to direct into every diocese Commissions in the King's name to the Archbishop, or Bishop, of such diocese, and to such other persons as the King should name, authorizing them to inquire " of and for the true and just whole and yearly values of all the manors, lands, tenements, hereditaments, rents, tythes, offerings, emoluments, and other profits, as well spiritual as temporal, appertaining to any Archbishoprick, Bishoprick, &c., as afore-named,

within the limits of their Commissions," and empowering them, in rating the said yearly values, to deduct "the rents resolute to the chief Lords, and all other annual and perpetual rents and charges, which any spiritual person or persons been bounden yearly to pay to any person, or persons, &c., or to give yearly in alms by reason of any foundation, or ordinance, and all fees for stewards, receivers, bailiffs, and auditors, and synods and proxies," and to make certificate of the entire value of such reductions.

Pursuant to these clauses, Commissioners were appointed, and the *Valor Ecclesiasticus* is the Returns made by them on the matters mentioned in that statute. The utility of these Records in Ecclesiastical affairs is extremely great, as they form the Register by which First Fruits and Tenths are calculated.(1) Among other miscellaneous information, the *Valor Ecclesiasticus* shows what sums were paid out of Spiritualities to lay persons, or corporations, or in fees to Bailiffs, Receivers, Auditors, Sheriffs, Justices, and other Civil Officers, whose names at the time of the Survey are mentioned;(2) the sums annually expended by Monasteries in charity; the amount distributed on anniversaries, with the names of the parties who were thus commemorated; the names of Priors, Abbots, and all other Incumbents, and sometimes of their immediate predecessors; together with the value of lands, provisions, and other commodities; and the record presents a complete view of the value and description of all Eccle-

(1) [See Bacon, *Liber Regis vel Thesaurus Rerum Ecclesiasticarum*, Preface.]

(2) These notices sometimes afford biographical information. For example, it appears that Sir Thomas Wyatt, the Poet, was Chief Steward of the liberties and lands of the monastery of the Blessed Mary of Malling, in Kent, about the year 1536, with an annual fee of 53s. 4d., being then an Esquire; a fact which, however trifling, escaped the extensive researches of his biographer, Dr. Nott.



siastical property in the reign of Henry the Eighth. In a few cases Commissions for a similar purpose issued by Edward the Sixth and Queen Elizabeth occur.

A "General Introduction" and "General Map" will, it is said, be delivered with the *last* volume; but neither is to be found in the fifth volume, which it must be inferred is the *last*, since all the Dioceses of England are now published, with ample Indexes.(3) The omission of that Introduction is much to be regretted, for the accurate knowledge which the Editor must possess of the contents of the work which he superintended would doubtless enable him to point out the value of the *Valor Ecclesiasticus* for legal purposes, and the claims, which it possesses to the notice of Antiquaries and Historians, in a more satisfactory manner than can be done from casual inspection.(4)

(3) [An Appendix to the five volumes of the *Valor* has been printed. It fills sixty pages, and relates to some ecclesiastical possessions in the dioceses of Norwich, Winchester, London, Chichester, Bangor, and St. Asaph. The Records from which it is taken have been lately discovered in the Augmentation Office and Chapter House.]

(4) [A *General Index* to the five volumes was framed under the direction of the late Lord Colchester upon a plan devised by him, and, together with the Appendix mentioned in the preceding note, was to form the sixth and last volume of the work. The *General Introduction* and *General Map* were to accompany it. Of the *General Index* 124 pages have been actually printed; but representations having been lately made to the Record Commissioners that the present Indexes are sufficient for all useful purposes, and that the *General Introduction* and *General Map* are no further necessary than because they have been announced, it has been deemed advisable that the press should be stopped until such time as the expediency of completing the volume can be satisfactorily ascertained. See *Nicolas, Observations on the State of Historical Literature*, p. 88. It is understood that the passage there cited is taken from manuscript notes made by an eminent antiquary upon the different works of the Record Commission. No fear of giving offence in any quarter ought to prevent the publication of these notes.]

[The *Instructions* of Henry VIII. for taking the Survey are prefixed to the first volume of the *Valor*. The same *Instructions*, together with the *King's Writ*, and the *General Preface* to the *Returns of the Commissioners into the*

Vol. i. contains the Dioceses of Canterbury, Rochester, Bath and Wells, Bristol, Chichester, and London.

Vol. ii., Winchester, Salisbury, Oxford, Exeter, and Gloucester.

Vol. iii., Hereford, Coventry and Lichfield, Worcester, Norwich, and Ely.

Vol. iv., Lincoln, Peterborough, Llandaff, St. David's, Bangor, and St. Asaph's.

Vol. v., York, Chester, Carlisle, and Durham.

In the Appendix to each volume a list of the Peculiars in the respective Dioceses is given. The *Valor Ecclesiasticus* also contains Maps of the Dioceses, marking the Ecclesiastical Divisions. *Indices Capitum, Locorum, et Nominum*, occur in each volume.

The original record is deposited in the First Fruits' Office, and was edited by Mr. Caley.

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[*From Manuscript Collection.*]

The importance of this Record, which is the Return of the Commissioners into the Exchequer, to a Writ of King Henry the Eighth, dated 30th January, 26th of his reign, and to instructions pursuant to that Writ, signed by the King himself, is generally known and acknowledged.

*Exchequer, under their hands and seals, have been printed by Bacon, Liber Regis, vel Thesaurus Rerum Ecclesiasticarum.*]

[The Irish ecclesiastical documents, exclusive of Pope Nicholas' Taxation (*ante*, p. 284), are of considerable importance. Surveys commencing with the 28th of Henry VIII. are to be found in the Chief Remembrancer's and First Fruits' Offices. The most useful of these documents are the *Valor Beneficiorum*, and the Inquisitions upon which such valuation was founded. This *Valor* furnishes "not only the rule for ascertaining the tax of first fruits paid by incumbents of livings in their respective promotions spiritual, but also the criterion whereby the Statutes of Trinity College are interpreted in cases where the possession of benefices is deemed by law incompatible with the enjoyment of fellowships."—*Reports from the Commissioners on the Public Records of Ireland*, vol. i. p. 415.]

By this Record, sometimes called *The King's Books*, the true annual value of Rectories and Vicarages, at the time of taking this survey, is fixed; and the First Fruits and Tenths due to the Crown are charged accordingly. It is the criterion, also, by which is determined what Livings were then under Episcopal jurisdiction; other Livings not there recorded being considered merely as donative: but its greatest utility is that, which is in some respect equally applicable to the *Nona Roll*, viz. that by ascertaining what are Rectorial and what Vicarial Tithes, the chasm of evidence occasioned by the loss of Endowments is supplied.

To this may also be added, that a very perfect account is given in this Record of the several possessions, as well Spiritual as Temporal, of all the monastic establishments in England. (6)

(6) [“The *Valor Ecclesiasticus* is a kind of Domesday of church property, taken pursuant to commissions issued 28 Henry VIII., for the purpose of ascertaining the whole and true value of all possessions, as well spiritual as temporal, belonging to any manor of dignity, monastery, priory, &c. in England, Wales, Calais, and the Marches.”—*Quarterly Review*, vol. xxxix. p. 58.]

## CHAPTER XVIII.

### ACCOUNT OF THE CALENDARS OF THE PROCEEDINGS IN CHANCERY, IN THE REIGN OF QUEEN ELIZABETH.(1)

[*From the Preface to the Work.*]

IN carrying into effect the order of His Majesty's Commissioners on the Public Records for printing Calendars of the early Proceedings in Chancery, it has been deemed advisable to preface this work with some examples of the Bills, or Petitions, addressed to the Chancellors in each reign, from the earliest period that any of them are known to be extant; as they throw considerable light on the origin of the Court of Chancery, as a court of equitable jurisdiction; and, whilst they point out the variations that have taken place from time to time in the course of proceeding in that court, and show under whose authority, or administration, those alterations have been introduced, they afford also considerable insight to the manners and customs of the times, and the orthography and phraseology of the English language, when it first came into frequent use in chancery and diplomatic proceedings.

Lord Chancellor Ellesmere, in his *Observations concerning the Office of Lord Chancellor*, states that there were no petitions of the Chancery remaining in the Office of Record of elder time than the making of the Statute of

(1) [There are prefixed to the work examples of earlier proceedings in the Court of Chancery, namely, from the reign of Richard II. to that of Elizabeth inclusive.]

the 15th of King Henry the Sixth, which enacted, that no writ of subpœna be granted till security should be found to satisfy the defendant for his damages and expenses, if the matter contained in the bill could not be made good; and he adds, that the most ancient to be found were of the 20th year of that King. It has appeared, however, from discoveries, which have been made among the records in the Tower since the year 1811, that many hundreds of suits, for nearly fifty years antecedent to the period mentioned by Lord Ellesmere, are still extant.(2) (3) They

(2) [The following particulars respecting the Chancery Records preserved at the Tower are taken from a return made by the late Mr. Lysons in May, 1819, in pursuance of an order of the Record Commissioners.

"A great portion of the Records and the proceedings of the Court of Chancery, which form the principal part of the contents of this office, were originally preserved on files. In this manner the bills and answers, writs and returns, *placita*, &c. were arranged according to the constant usage of that Court, which may be traced to a very early period. Great quantities of these files appear to have been separated above 150 years ago, and their contents to have been thrown into confused heaps in the Chapel of the White Tower, where they remained till a great part of them was again collected, and chronologically arranged, in the latter end of seventeenth and the beginning of the eighteenth century, under the direction of Prynne and Petyt, when keepers of the Records in the Tower. The great mass of instruments so collected and arranged were not restored to their files, neither were they made smooth, but tied up in bundles with very little care, whereby they have been much creased and injured."

Although *The Observations concerning the Office of Lord Chancellor*, improperly ascribed to Lord Ellesmere, were published as long since as 1651, yet it is not improbable that the Chancery proceedings were even then in the state described by Mr. Lysons, and that in consequence of such disorder the earliest Petitions escaped the research of the author of that tract.]

[Notwithstanding the exertions of Prynne and Petyt, a large portion of the above-mentioned Records still remained unsorted in the middle of the last century. ("There are many cart-loads of Records lying in this place, &c." *Chamberlayne, Magnæ Britanniæ Notitia*, p. 223;) and it would not be difficult to show that they formed only a confused and unknown heap at a much more recent period.]

[On a recent occasion there was discovered at the Tower upwards of eighty additional bills addressed to Sir Thomas More, the existence of which was previously unknown to the officers of that establishment.]

(3) [It lately became desirable to ascertain the number of suits instituted during

commence in the 17th of King Richard the Second; in which year a statute was made, enacting, that when the suggestions of the plaintiff were proved to be untrue, the Chancellor should be enabled to award costs and damages to the defendant according to his discretion; and it is probable that the bills or petitions of this year are the first, which were regularly filed.(4)

the periods that Sir Thomas More, Lord Bacon, and Lord Nottingham, were in possession of the seals; and in order to learn the quantity still preserved in the Tower, some researches were made, the result of which it may be useful to state.

Sir Thomas More was Chancellor about three years and seven months, and there remain nearly 600 of the suits commenced during this period. Of the suits brought in the reign of James I. there exist about 32,220, making an average of about 1,464 suits in each year of the reign. Reckoning according to this average, about 5,886 bills were filed during the four years that Lord Bacon presided in the Court. The suits, instituted during the nine years that Lord Nottingham held the great seal, have been estimated at not less than 15,000, which calculation yields a yearly average of about 1,650.]

[The only other particulars known respecting the number of suits in our great equity tribunal during the sixteenth century are contained in the Appendix to the *Reports of Commissioners on the Public Records*, vol. i. p. 186. In 1809 there were found proceedings "in 840 suits whilst Cardinal Wolsey was Chancellor—in 1,560 suits in the time of Sir Thomas Audley—and in 1,250 suits in the time of Sir Nicholas Bacon."]

[It has been calculated that the whole of the unpublished Chancery proceedings prior to the reign of Elizabeth (omitting the petitions, or bills, filed for similar objects, and prepared nearly in the same form and terms) may be comprised in two moderate-sized quarto, or folio, volumes. It has long been matter of regret that no measures have been taken for transcribing and printing these important Records. See *Retrospective Review*, vol. i. pp. 70. 76. Second Series; *Nicolas, Observations on the State of Historical Literature*, p. 86.]

[The reader desirous of further information respecting the quantity of business at different times brought into the Court of Chancery, may consult the Compiler's work—*Proceedings in Parliament relative to the Court of Chancery, the House of Lords, and the Court of Commissioners of Bankrupt*, Chapters VII. and VIII.]

(4) [There are probably no materials for the history of equitable jurisdiction in Chancery of a date prior to the reign of Richard II. The compiler has erroneously cited one of the articles drawn up and tendered by the Bishops to Henry III. in 1257—"articuli pro quibus Episcopi Angliæ fuerant pugnaturi"—

From these proceedings it appears that the chief business of the Court of Chancery in those early times, did not arise from the introduction of uses of land, according to the opinion of most writers on the subject; very few instances of applications to the Chancellor on such grounds occurring among the proceedings of the Chancery during the four, or five, first reigns after the equitable jurisdiction of the court seems to have been fully established. Most of these ancient petitions appear to have been presented in consequence of assaults and trespasses, and a variety of outrages, which were cognizable at common law, but for which the party complaining was unable to obtain redress, in consequence of the maintenance, or protection, afforded to his adversary by some powerful baron, or by the sheriff, or some other officer, of the county in which they occurred.

#### The petitions in the reign of King Richard the Second

(*Matthæi Paris: Additamenta*, p. 199)—as an article directed against the usurpation of this extraordinary power. The *nova brevia* there mentioned, “*juri ecclesiastico, legi terræ, et consuetudini contraria*,” issued from the ordinary, or legal, court. See *Lettres sur la Cour de la Chancellerie d’Angleterre, et sur quelques points de la Jurisprudence Angloise*, p. 166. London Edition.]

[It seems that the earliest Chancery Proceedings discovered in Ireland are not more remote than the reign of Henry the Eighth.—*Reports from the Commissioners respecting the Public Records of Ireland*, vol. i. pp. 67, 68, 74, 449, 450, 459; vol. ii. pp. 49, 517. Copies of two of the earliest decrees, *temp. Henry VIII.*, may be seen in the first volume of these Reports (pp. 79, 80.) The first is in Latin and without date, and is signed “*Johes Barnewall, Cancellarius*,” “*Johannes Alen, Vice-Cancellarius*.” The second is in English, and is dated 18th April, 33d year Henry VIII. It is signed “*John Alen, Chancelor*.” It is not immaterial to notice, that the office of Chief Examiner of the Irish Court of Chancery was created so long ago as the year 1540. See *ibid.* vol. i. p. 101.]

[The most ancient *depositions* in suits in the English Court of Chancery, now preserved at the Tower of London, were taken in the reign of Henry VIII. The *Master’s Reports* kept in the Report Office, Chancery Lane, do not commence before the reign of Elizabeth. It seems that the earliest *affidavits* in Chancery suits discoverable in the Affidavit Office, Symond’s Inn, do not date from a period more remote than the reign of Charles I.]

are very numerous; they are all in the French language; and, from some of the few examples which are here introduced, it will be seen that, even at that early period, the practice prevailed for the plaintiff to find sureties to satisfy the defendant for his costs and damages, in case he failed to prove the matter contained in his bill.

During the active reign of King Henry the Fourth, no bills or petitions addressed to the Chancellor have yet been found, and comparatively few appear to have been filed during that of his son and successor King Henry the Fifth.

From the commencement of the reign of King Henry the Sixth, the bills, or petitions, and other proceedings in the Court of Chancery, appear to have been preserved with greater regularity; and, in his time, the use of the English language, which had been partially introduced in the time of his predecessor, became generally adopted.

For many years the usage of the Court appears to have been for the defendant to be brought before the Chancellor, and examined *viva voce*; (5) but from the time of King Henry the Sixth a course, more assimilating to the present practice, seems to have been pursued; and in most cases, which were not of a mere personal nature, the answers and other proceedings are preserved in writing, as of record.

But few decrees in these early periods have been discovered, and these are generally found endorsed on the bill, a practice which continued from the time of Henry the Sixth down to that of King Henry the Eighth, if not to a later period. (6)

(5) [See the preceding note.]

(6) ["These volumes (the *Caleendars of Chancery Proceedings*) contain *Caleendars* stating the names of the plaintiffs and defendants, the object of each suit, and the name and situation of the lands or tenements in dispute, with a slight account of the nature of the claims in the *Proceedings* in the Court of



[The following is a list of the examples of early proceedings prefixed to Vol. I.]

REIGN OF KING RICHARD II.

*Thomas Duke of Gloucester v. Thomas Othale.*—Complaining that Defendant has ousted Plaintiff of certain lands, &c. in the county of Salop, the custody of which had been granted to him by the King.

*Geffry Downham v. Heylyn ap Blethyn.*—The Plaintiff, having been ousted of his Vicarage of Abergele by the Defendant, who had by false suggestions purchased Letters of Presentation of the King, the Plaintiff procured a *scire facias* to repeal them, and prays the Chancellor to hear his Counsel thereon, and to do him justice.

*John Tregoyt v. The Earl of Warwick.*—Plaintiff, having been imprisoned by Defendant as his nief appurtenant to his manor of Carnanton in the county of Cornwall, and discharged on mainprize to try the question of his free estate, prays the Chancellor to ordain a remedy in discharge of his mainprize, and for the preservation of his estate.

*John Hauley v. John Tresilian.*—Plaintiff, having purchased certain Manors and Lands in Cornwall, forfeited to the Crown, is disturbed in the enjoyment thereof by Defendant, who sets

Chancery during the reign of Queen Elizabeth, 1558 to 1603, alphabetically arranged under the names of the plaintiffs. This Calendar is useful to topographical writers: it affords much genealogical information; and is of considerable value for legal purposes. \* \* \*

“ Upon the utility of these proceedings with respect to the early history of the Court of Chancery, some observations are made in the preface to the first volume; and, judging from the specimens there given of various Bills and Answers from the reign of Richard the Second to that of Elizabeth, these Records are not exceeded by any, that have been given to the public, in valuable illustrations of the state of society at the periods to which they respectively refer; and they are likewise redundant in information relative to the descent of property, and in materials for family history.”—*Nicolas on the Public Records*, pp. 91, 92.]

[“ This is in every respect one of the most valuable books, that have yet been printed under the authority of the Commissioners of Public Records.—*Jurist*, No. 3, p. 327.]

up a claim to an annuity of £100 charged on them, in which he is maintained by the Sheriff of the county.

*Robert Briddicole v. John Forster.*—Plaintiff prays a remedy against Defendant, by whom he had been grievously assaulted, and conveyed to the Compter upon a false plea of a debt of £1000.

*Joan Scaldewell v. Richard Stormesworth.*—The Plaintiff complains of a violent outrage and robbery committed on the person of her Husband by the Defendant and others, for which they are indicted, and prays that the indictments may be removed into the King's Bench, and the Defendant come before the Chancellor to give security of the peace.

*Sir Thomas de Erdington, Knt. v. Sir Hugh de Shirley, Knt.*—Plaintiff, having prosecuted a writ of assize of Novel disseisin against Defendant, and also delivered him a writ of Estrepement, he (Defendant) nevertheless assaulted Plaintiff's servants, and committed waste on the lands in dispute. [The first Bill, or Petition, in the Selection, which is endorsed with the names of the pledges to prosecute, &c.]

\* \* \* Letter from Henry of Lancaster Earl of Derby, to the Archbishop of York, the Lord Chancellor, enclosing a Bill from one of his tenants addressed to the Chancellor, praying relief for divers outrages committed by the Defendant.

The Bill enclosed in the foregoing Letter.

*The Burgesses and Tenants of East Retford v. Thomas de Hercy, Knt.*—Bill against Defendant, one of the Lords of the town of West Retford, for taking more than his due for the depasturing of Plaintiff's beasts, and for stopping a water-course, and obstructing their fishery, &c.

*John Bief v. John Dyer.*—Plaintiff being bound to Robert Goldsmith in an obligation for the sum of Sixty Shillings, Defendant obtained payment from him by means of a forged Power of Attorney and acquittance, whereby the Plaintiff was obliged to pay the same sum over again to the obligee, and put to great costs, and when he called on Defendant at his house, he locked him in and attempted to murder him.

*John de Sessay v. Peter Bevernek.*—Defendant, having taken a

ship with its cargo at sea belonging to Plaintiff, the said ship, with the one by which it was taken, having been driven into the port of Kingston-upon-Hull, Plaintiff prays that Defendant may be arrested and brought before the King's Council, and his ship detained.(7)

#### REIGN OF KING HENRY V.

*William Dodd v. John Browing and another.*—Defendants, feoffees in trust, had let Plaintiff's lands and withheld his goods without any authority.

*John Thomas v. John Wyse and John Clerk.*—The Defendants, having wrongfully ousted Plaintiff of a tin work in the county of Cornwall, and he being unable to sue for remedy at Common Law, prays a writ of *subpœna* for them to appear and answer in Chancery.

*John Belle and Catherine his Wife v. Piers Savage.*—Bill to compel the Defendant to surrender a messuage in Rochester, the inheritance of the Plaintiff Catherine.

*John Weston v. John Fox.*—Bill complaining that his ward, who was affianced to his daughter, has been drawn away by the Defendant, with a view to make advantage of his marriage, &c.

\* \* \* A Bill, or Petition, addressed to the King by the Parson of Street, in Somersetshire, praying relief, through the Chancellor, against the Abbot and Convent of Glastonbury, who had oppressed him because he had sued them in the Spiritual Court for tithes.

The King's Letter missive to the Chancellor, enclosing the foregoing Petition.

\* \* \* Petition to the King from the tenant of his manor of Rameden Hall in Essex, who having for sixteen years been possessed of a tenement as heir at law to his father, was ousted by one John Wethy and others, by maintenance of John Tyrell; whereupon he sought the protection of the Countess of Here-

(7) [*Memorandum.*—There have not yet been found in the Tower any Bills addressed to the Chancellor during the reign of King Henry the Fourth; and those which have been discovered in the time of Henry the Fifth are not numerous.]

ford, who put him again in possession of his tenement; after her death Tyrell again ousted him, and threatened his life, whereupon he prays redress from the King.

The King's Letter missive to the Chancellor, referred to in the foregoing Petition.

#### REIGN OF KING HENRY VI.

*Edward Lord Hastings v. Thomas Dacy, Esq.*—To recover possession of Lands wrongfully withheld.

*John Staverne v. John Bonynton.*—Petition to the Chancellor for a writ of *subpœna* to be directed to a witness to appear and give evidence.

*John Kymburley v. John Goldsmith.*—Bill for refusing to deliver to Plaintiff a ton of woad, which Defendant had sold him, and which he had been paid for in wool.

*William Midylton v. John of Cotyngnam.*—Defendant assaulted and attempted to murder the Plaintiff in Waughen church in Holderness, and still lies in wait for him, so that he durst not abide in the country.

*Nicholas Parker v. Simpkin Ioe.*—Bill filed against Defendant, who had deprived John Haryngton of five marks of annual rent, by means of a forged charter.

*William Huberd v. John Brasyer and others.*—Bill for recovery of the Plaintiff's right under the Will of Robert Huberd, Esquire.

*John Westowe v. Richard Rede.*—Bill praying a *Corpus cum causâ* for relief of Plaintiff, unjustly sued in the Sheriff's Court of London by Defendant, who had endeavoured to inveigle Plaintiff into an intrigue with his wife, for the purpose of extorting money from him.

*Joan, Queen of England v. Robert Bishop and others.*—Bill against Defendants for invading the franchises of Plaintiff's manor of Gillingham in Dorsetshire, by seizing a nief of the Abbess of Wilton, who was protected by the custom of the said manor whilst dwelling within it.

*Katherine, Queen of England v. John Glover.*—Bill filed against Defendant, who was in possession of certain goods delivered to

him by a felon, to which Plaintiff was entitled as forfeit; and she having applied to the Court of Chancery, Defendant treated the writ of *subpoena* with contempt.

*Henry Hoigges v. John Harry.*—Bill praying the Chancellor to restrain the Defendant by oath from using the arts of witchcraft, &c. whereby he has injured Plaintiff, on account of his having been attorney in a suit against the Prior of Bodmin, in whose service the Defendant is employed.

*The Prior of Wangford v. John Wynde.*—Bill filed against Defendant, for breaking the walls of the cloister of Wangford Priory in Suffolk.

*Robert Burton, Clerk, v. Walter Yerburch and William Hert.*—Bill filed against the Defendants, (who were followers of Wycliff,) on account of various outrages committed against the Plaintiff, in consequence of his opposition to the doctrines of Wycliff. [There are two schedules to the Bill—the first, of divers grievous and horrible heresies—the second, of great grievances and offences.]

*Lewis John v. The Earl of Oxford.*—Entry of Bill, Writ of Subpoena, and Examinations, setting forth the outrages committed by the Defendant, in order to set aside a feoffment of the manors of Dullinham in Cambridgeshire, and Langdon and Amees in Essex, made by Sir John de Veer.

*John Stonehouse v. Robert Stanshawe and others.*—Bill to set aside a bond and a conveyance of certain lands in Gloucestershire, &c. sold by Plaintiff to the Defendant Stanshawe, who had made him intoxicated, and, at another time, taken advantage of the weakness of his intellects, in the absence of his wife and friends.

*Katherine Danyell v. Richard Belyngburgh.*—Bill complaining that the Defendant is in possession of certain lands of which Plaintiff's husband died seised in fee; whereby she was entitled to dower, but had been unable to obtain it for twenty-two years. With the Examination of the Defendant indorsed. [The decree is also indorsed on the Bill.]

*Thomas Appleton v. William Aleyn and others.*—Bill complaining that Defendants had forcibly taken away the daughter

of Plaintiff and married her; whereby Plaintiff lost the profit of her marriage; and also compelled Plaintiff to make a feoffment of his lands to certain persons in trust for Defendant Aleyn, who was to pay him an annuity, which he has neglected to do, and cut down timber and suffered the buildings to be out of repair.

*Geffrey Qwyncy v. Robert Landasdale and William Hempstede.*—Bill complaining that Defendants, late Sheriffs of the city of Norwich, had imprisoned and greatly oppressed the Plaintiff, in consequence of his making tallow candles with wicks of flax instead of cotton, by the desire of the poor people, and buying and selling by the standard weight of the Exchequer, instead of the Norwich weights.

*Simon Saxby v. Piers Lawrence.*—Bill complaining that the Defendant had thrown down a House which the Plaintiff had built adjoining a House of the Defendant, who was under-sheriff of the city of Norwich, for which he could obtain no remedy at the common law.

*The Abbot and Convent of Burton-upon-Trent v. Isabel Stanley, Prioress of St. Mary in Derby.*—Bill complaining that Defendant has refused for twenty-one years to pay a rent for certain premises held by her of Plaintiffs, and assaulted and threatened those, who came to demand it, so that, on account of her powerful connections, the Plaintiffs have no remedy at common law.

*William Lord Haryngton v. Thomas Haryngton and others.*—Bill complaining that Plaintiff having retained by deed one Sir William Haryngton, deceased, in his service, paying him an annuity of twenty marks, the said Sir William five or six years before his death quitted his service, and took party with one John Broughton against Plaintiff; yet the Defendants, his executors, have sued Plaintiff for the arrears of the said annuity.

*The Warden and Brethren of the Convent of Friars-Minors in London v. Andrew West.*—Bill complaining that one of the Friars dying out of the convent, whilst it was occupied by the Queen, the Defendant, pretending to be his executor, withholds the goods of the deceased.

*William of Arundell, Esq. v. Sir Maurice Berkeley, Knt. and*

*others.*—Bill complaining that Plaintiff's father, John Lord of Arundell, enfeoffed certain persons in various manors, &c. in Somersetshire, to the intent they should perform his will, and he subsequently settled them by deed on the Plaintiff and the heirs of his body. After whose death his eldest son possessed himself of those manors, and enfeoffed Defendants in the same, to the intent they should perform his will, which by a Letter addressed to the Lady Arundell, his mother, he declared to be, that an estate should be made to Plaintiff according to his father's will, which Defendants refuse to do.

*Thomas Arkenden, Vicar of Wolforcheston, v. Edmond Starkey and others.*—Bill filed against the Defendants for withholding tithes due to Plaintiff; and for taking his sheep. Answer—That the Plaintiff and his predecessors have found a priest to perform Divine Service in the chapel of Stratton, who has always collected the tithes within the township of Stratton.

*Katherine Bell v. Harry Rave.*—Record of various Proceedings in Chancery, before the Council, and in the Common Pleas, for the recovery of two houses in the city of Rochester.

*John Bonodyn and another v. Sir R. Arundell and Sir John Trevers.*—Plaintiffs, as attornies for G. de Garac and others, merchants of Brittany, complain that a ship belonging to them, having the safe-conduct of the Earl of Huntingdon, Lieutenant of Guyen, was taken, with the goods and money therein, by three ballingers belonging to Defendants, which they pray may be restored to the said merchants.

*Sir Walter Hungerford and Sir John Stourton, Knts. v. The Mayor of Wilton and others.*—Plaintiffs, as guardians of the priory of Ivechurch in Wiltshire, complain of Defendants for compelling the prior of that convent to serve the office of bailiff and portreve of the borough of Wilton.

*Roger Polgrewn v. John Fears.*—Bill complaining that Defendant, executor of Plaintiff's father, refuses to deliver up to him as his heir the principal goods of the deceased, according to the custom of the county of Cornwall.

*John Earl of Shrewsbury v. Thomas Coland the Elder.*—Bill complaining that Defendant had purchased part of a cargo of salt taken at sea, after notice that it belonged to Plaintiff.

*William Sampson and Thomas Gaye v. Richard Crewe and Nicholas Vicarye.*—A Bill complaining that Defendants, being officers of the Sheriff of London, forcibly took the Plaintiffs out of the sanctuary of St. Katherine's, and confined them in the Poultry Counter.

*Margaret Appilgarth, Widow, v. Thomas Sergeantson.*—Bill complaining that the Defendant, having obtained a sum of money of Plaintiff under a promise of marriage, has married another woman, and refuses to return it.

*Peter Mane v. John Aklum and John Collum.*—Bill complaining of irregularity in the proceedings on a plaint of covenant before the Defendants as bailiffs of the town of Scarborough, with the Examination of Defendants.

*Margery Freeman, Widow, v. Geoffrey Poutrell, Gent.*—Plaintiff having recovered lands, which she had been dispossessed of by the Defendant, he still endeavours to oust her out of the same by various unjust means.

*The Abbot of West Dereham and Richard Wygenhale v. William Hertlyngton, and others.*—Bill complaining that the Defendants, by duress of imprisonment, compelled the Plaintiff Wygenhale to deliver to them copies of certain evidences of the Abbot.

\* \* \* Examination by the Bishop of Bath and Wells, Chancellor of England, of two persons to whom one Robert Crody had made a feoffment by parol on his death-bed, in trust for his wife for life, with remainder to his daughter in tail.

*William Pickering v. Roger Tonge.*—Plaintiff complains, that, by duress of imprisonment, he was compelled by the Mayor of London to deliver a certain obligation to Defendant, being Common Clerk of the said city. Answer. That there is such an obligation remaining in the chamber of the Guildhall, among the Records of the city, delivered by the Plaintiff to the Mayor for certain purposes, but which Defendant cannot remove from thence without an order of the Mayor and Aldermen.

*Guy Attle Halle and Hammond Pope v. Robert Goodbern.*—Plaintiff Hammond, having been sued and arrested by Defendant account of a bond fraudulently obtained by him, prays to be relieved by a Writ of *Corpus cum causâ*, &c. Schedule annexed



to the foregoing Bill, containing the grounds on which the Plaintiffs are entitled to relief.

*Edmond Duke of Somerset v. John Newport.*—Bill complaining that the Defendant had taken away his goods from Corff Castle.

*John Broun v. The Widow of James Lord Say.*—Bill to set aside a release of lands made by duress of imprisonment to the Lord Say, who, just before he was put to death by Jack Cade, confessed the wrong he had done to Plaintiff, and desired his confessor to urge his wife to make restitution.

*Lawrence Trewonwall v. Harry Bodrugan.*—Bill complaining of a violent outrage committed by the Defendant in the house of the Plaintiff, turning out his family, and taking away his goods.

*Roland Groos v. Thomas Depeham.*—Bill setting forth that Plaintiff's father, having enfeoffed Defendant and another in trust to reſeoff him, or his heir, and Plaintiff, after his father's death, having continued them his feoffees, and having commenced an action against one William Styward for trespasses on the lands, Defendant released to said William Styward all actions, &c. whereby Plaintiff's suit is abated.

*Thomas Fitzharry and Joan his Wife v. John Lyngen.*—Bill complaining that Plaintiff Joan and her son, the Defendant, having been left joint executors of her deceased husband, it was agreed between them that she should have a certain portion of the goods of the testator, and pay his debts; whereupon she took possession of them, and had paid part of the debts, when Defendant forcibly seized and carried away the remainder of the goods, and has forcibly taken possession of two manors in which she has an estate for life. Answer.—That it was agreed between Plaintiff Jane and Defendant, that she should have the goods mentioned in the Bill on condition that before a certain day she should find surety to indemnify Defendant, and should deliver up to him all evidences concerning his inheritance, which she has neglected to do, that he, therefore, took the goods for the purpose of administration, which were retaken by Plaintiffs, and converted to their own use, and that the remainder of the Bill contains matter triable at the common law.

*Godfrey Hylton, Knight, v. Nich. Pollard and John Matthews.*—Plaintiff, at the time of Jack Cade's rebellion delivered certain plate for safe custody to his late servant, John Hech, who on his death-bed charged the Defendants, his executors, to restore the same to Plaintiff, on payment of twenty marks due to him, which they refuse to do.

*John Cobbethorn and others, Executors of Edmund Bishop of Exeter, v. Hugh William.*—Defendant, having been bound to Edmund Bishop of Exeter in an obligation for the sum of 40*l.* afterwards became servant to Burnebury, one of the Plaintiffs, who, when he quitted his service, gave him a general release, which he pleaded in bar of an action brought against him on the bond by the executors. Return to the Writ of *Dedimus potestatem* setting forth the examination of the parties. [There is also the Writ of *Dedimus potestatem*, to which the Bill, Answer, and Replication are annexed.]

*Alice, Widow of William Lord Lovell, v. Robert Echard, Clerk.*—Bill stating that Plaintiff is entitled to certain lands in Nottinghamshire as the last in remainder under an entail created by a fine levied of those lands, and that Defendant claims the same lands by virtue of a certain feoffment, which Plaintiff says must have been made in trust for the uses of the said fine. Answer. That, by the persuasion of Ralph Lord Cromwell, who had married the sister of Plaintiff, the Defendant made a feoffment to certain persons to perform the will of Robert Deincourt, who had died possessed of the estates under the entail mentioned in the Bill.

*William Babington v. William Gull, Clerk.*—Bill complaining that Plaintiff's mother, the widow of Sir William Babington, Knight, had placed six hundred marks in the hands of Defendant, for the purpose of founding a Chantry in the Church of St. Peter of Flawforth, in Nottinghamshire, which he had neglected to do. The answer of William Gull, admitting that he had received the sum of money mentioned in the Bill for the purpose mentioned therein, but adding, that if the endowment of the Chantry were not completed within four years, which are not expired, the money was to be applied to the finding three priests

to sing daily in the said church, and that he is willing to pay the said money according to the direction of the Court.

*John Wakeryng v. Nicholas Bayle.*—To compel the Defendant, who is a feoffee in trust, to make an estate in certain lands in Tottenham and Hornsey, to the hospital of St. Bartholomew, in West Smithfield.

*John Gody v. Thomas Harry.*—Bill complaining of various wrongs done to Plaintiff, as parson of the church of Lanyvet, in Cornwall, for which he has no remedy at common law.

*Piers Godard v. William Ridmynton.*—Bill addressed to the Master of the Rolls, complaining that Defendant had ravished his servant maid.

*John Mathew v. John Ozenbrigge.*—Examination of Defendant before the Master of the Rolls respecting a feoffment of certain lands in Sussex.

#### REIGN OF KING EDWARD IV.

*William Champernown, Esq. v. Hugh Rome, alias Camburne, and William his Brother.*—Bill charging the Defendants with obstructing Plaintiff and his servant in their opposition to the King's enemies.

*Thomas Bettenham v. Sir Richard Frogenhale, Knt.*—Defendant, having been taken prisoner in France, was released, leaving Plaintiff's brother and another person pledges for his ransom, and neglecting to provide for them, Plaintiff became bound to the Earl of Kent in 100*l.*, advanced by him for the discharge of Plaintiff's brother, and which Defendant refuses to pay.

*John Wakeryng, Master of the Hospital of St. Bartholomew in West Smithfield v. Nicholas Baille.*—To compel Defendant, who is a feoffee in trust, to make an estate to the hospital of St. Bartholomew, and to stay waste.

*Thomas Sharpe, Prior of the Hospital of Elsing Spital, in London, v. Thomas Temper, Parson of the Parish Church of St. Alphege.*—Plaintiff, on behalf of the said hospital, claims to be free and discharged from all tenths, oblations, and all other charges and contributions to the said parish church. [The Answer—Replication, and Rejoinder, are also given.]

*John Broddesworth v. Thomas Coke.*—To recover certain lands, which the bill alleges to have been only mortgaged to the Defendant. [Decree indorsed.]

*Richard Fowler v. John Iwardby.*—Respecting a feoffment of the manor of Great Missenden, in the county of Buckingham. [There are the Answer, Replication, Rejoinder, Depositions of Witnesses, and also the *Accord* indorsed.]

*Walter Ardern, Esquire, v. John Ardern the Younger.*—Plaintiff having enfeoffed Defendant in the manor of Pedmore, for term of life, to take after the death of Complainant, the said Defendant hath entered, contrary to agreement, and takes the profits, &c. [Answer—Replication—Commission for examination of Witnesses—Depositions of Witnesses—and Accord between the parties.]

*William Lord Berkeley v. Margaret Countess of Shrewsbury.*—Bill praying relief for various outrages committed by the Defendant. [Answer—Replication.]

*John Morton, Clerk, Archdeacon of Norwich, and Keeper of the Rolls of Chancery, v. The Abbot of Langley.*—The Plaintiff, as Archdeacon of Norwich, complains of the Defendant's withholding certain dues, which he ought to receive from the churches of Bodham, Lympenhowe, and Thirkeby, within his archdeaconry. [Answer—Replication.]

*John George v., Joyce Reyneford.*—An Action of trespass being taken against the Plaintiff before the Sheriffs of London, he prays a *certiorari* to be directed to them, for the cause to be removed into Chancery.

*Margaret Toty v. Thomas Norton.*—To recover a messuage and land, in which the Plaintiffs had enfeoffed Defendant in trust. [Bill—amended Bill—Answer—Commission for Examination of Witnesses, &c.]

*Henry Soteshill v. James Harrington and John Hoddleston, Knts.*—The Defendants having possession of two infants, who, by virtue of his prerogative, are the King's wards, the Plaintiff, suing for the King, prays that they may be commanded to bring the said wards into court. The Defendants are committed to prison.

*John Michell v. John Marmyun.*—Plaintiff, being unjustly imprisoned, prays that a *corpus cum causâ* may be directed to the Defendant, who is Mayor of Marlborough. [Decree indorsed.]

*Owen Pole v. John ap Richard and others.*—Praying a writ of *certiorari*, in order to be relieved from a plaint of debt on a forced obligation.

*Walter Howard v. The Sheriffs of London.*—The Plaintiff, being unjustly detained in prison, prays a *corpus cum causâ* to be directed to the Sheriffs of London.

*John Foster v. Sheriff of Kent.*—Praying a *corpus cum causâ* to be directed to the Sheriff of Kent.

*John Glyn v. Robert Knollis.*—To be relieved from a forced obligation.

*Richard Duke of Gloucester, Constable and Admiral of England, and Elizabeth Countess of Oxford, v. The Bishop of Ely, Thomas Montgomery, William Paston, and others.*—To compel Defendants, who are feoffees in trust, to make an estate in law in certain lordships, manors, and lands, to the said duke. [Decree indorsed.]

*John Kirkeman v. The Sheriffs of London.*—The Plaintiff, being unjustly put in prison in the Counter, prays a *corpus cum causâ* to be directed to the Mayor and Sheriffs of London.

*Oliver Manyngham, Knight, and Eleanor Lady Hungerford and Molyns, his Wife, v. John Mervyn and John Touke.* [Order indorsed for time to answer—Answer, &c.]

*William Vavasour and Lawrence Kyghley v. William Chadworth.*—The Plaintiffs, having lent a sum of money to the late Bishop of Lincoln, file their bill against the Defendant, as his executor, for repayment. [Answer.]

*George Archbishop of York and Edmund Gower v. Richard Osborn.*—To compel Defendant, who is feoffee in trust of the manor of Henton Pipard, in the counties of Wilts and Berks, to release the same to Plaintiffs. [Time indorsed *ad producendos testes et ad probandam materiam*, &c.—Decree indorsed.]

*Ralph John v. The Wardens of the Shoemakers Company.*—The Plaintiff, having for the maintenance of his family made a pair of shoes, is unjustly imprisoned by means of Defendants,

wherefore he prays a *corpus cum causâ* to be directed to the Mayor and Sheriffs of London.

*William Stokker, Knight, and Robert Billesden, late Sheriffs of London, and Margaret Vause, Widow, v. Christopher Colyns and William Flyngaunt.* [Time indorsed *ad producendos testes et ad probandam materiam*—Answers—Replications—Decree indorsed.]

*William Slesfeld, Esq. v. Thomas Grafton.* [Answer—Replication—Decree.]

*John Mayhew v. Thomas Gardener.*—The Plaintiff, being instituted to the church of Saxlingham, in Norfolk, claims compensation for dilapidations in the said church and in the parsonage house, during the incumbency of his predecessor, whose property the Defendant has by deed of gift. [Further time *ad producendos testes*—Answer—Replication—Rejoinder—Decree indorsed.]

*Thomas Dandy v. Robert Portland.*—Plaintiff, being unjustly imprisoned by Defendant, prays a *corpus cum causâ* to be directed to the Mayor, Alderman and Sheriffs of Norwich.

*William Bowman v. Richard Fote.*—Praying a writ of *certiorari* to be directed to the Sheriffs of London.

*Degro de Castro, a Merchant of Spain, v. Francis Marbone, a Gascoign.*—Praying a *corpus cum causâ* to be directed to the Sheriffs of London.

*John Albon v. John Smerk.*—Praying a writ of *certiorari* to be directed to the Sheriffs of London.

*Geoffrey Damico, an Italian, v. John Bardican and others.*—Plaintiff, because he exercises the art of weaving “cloths of damasks, velvets, cloth of gold, and other cloths of silk, by the King’s commandment,” in a house assigned to him at Westminster, and instructs others in the same mystery, is arrested on several feigned actions of debt and trespass taken against him by certain merchant-strangers; whereupon he prays a *corpus cum causâ* to be directed to the Sheriffs of London.

*James Le Leche, a Dutchman, v. Sir Edward Courtney, Knight.*—The Plaintiff, being imprisoned in the Counter on various false complaints of trespass, prays a *corpus cum causâ* to remove the same into Chancery.

*William Gyseberdson v. The Lieutenant of the Tower.*—Plaintiff, being arrested and imprisoned in the Tower, prays that a *corpus cum causa* may be directed by the Lieutenant to bring him into Chancery.

*John Meverell, Priest, v. Robert Saunsum.*—Plaintiff, as official of the Bishop of Chester, having proceeded against the Defendant for adultery till he had obtained a writ *de excommunicato capiendo*, Defendant left the country and is come to London, where he has obtained the office of coroner and escheator, and seeing the Plaintiff there, feigns an action of trespass against him, which he prays may be removed into Chancery by *certiorari*.

*John Clyfford, Esq. v. William Apulderfeld, Esq.*—To compel Defendant to make an estate in fee in the manor of Kemsale, &c. to Plaintiff, according to the intent of his late father. [*Dedimus*—Answer.]

*The Provost and Scholars of King's College, Cambridge, v. Nicholas Ovy and William Crosse.*—Respecting the advowson of the church of Cowteshall, in the county of Norfolk, purchased by the Plaintiffs of John Selott, clerk, to whom the Defendants are executors. [*Injunction*—Answer.]

*Henry Astel v. John Causton.*—For an injunction to stay proceedings, &c. [Time given—Answer—Replication—Decree indorsed.]

*Prior of the Monastery of St. John the Evangelist, of Horton in Kent, v. John Clyffe.*—To recover from Defendant the sum of four pounds, being an annuity payable to the said monastery by the parson of the church of Purley, in Essex, and received by him on the Plaintiff's account. [Time given, &c.—Answer—Replication.]

#### REIGN OF KING RICHARD III.

*Richard Lord Beauchamp v. Sir William Morrice, Sir Edward Widevill, Sir Richard Croft, Sir John Savage, and others.*—To compel Defendants to release all their right, title, and claim, which, as feoffees, they have in the manor of Halle, and other premises.

*Henry Edyall, Chaplain, William Tymperley, and Ralph Green, v. Thomas Hunston.*—Praying an injunction to stay proceedings at law. [Injunction until further order.]

*John Coke and Elizabeth his Wife v. Richard Garnon the Younger, John Garnon, Clerk, and John Clyff, Clerk.*—Respecting a feoffment of the manors of Bradlegh and Meth in the county of Devon.

*Thomas Reed and Emma his Wife v. The Prior of Launceston.*—To recover deeds and evidences stated to be in the possession of Defendant. [Bill dismissed with costs for default of appearance.]

*John Flykke and Catherine his Wife v. Thomas Banyard.*—To compel Defendant to make an estate to Plaintiffs, in certain messuages and lands of which he is a feoffee in trust. [Answer—Decree.]

*Olyffe Tryppe, Widow, v. John Chevyn and John Tryppe.*—To compel the Defendants, who are co-feoffees, to make an estate to the Plaintiff in certain premises in Brentwood, in Essex, according to the will of her late husband Robert Tryppe. [Answers—Decree.]

#### REIGN OF KING HENRY VII.

*Ellen Lee v. Lord Matravers.*—Plaintiff, being unjustly imprisoned, prays a *corpus cum causâ* to be brought into Chancery.

*Robert Jevyn v. Alexander Starkey and others.*—Plaintiff, having been maltreated and unjustly imprisoned, prays a *corpus cum causâ*, to be issued in his behalf.

*John Vele v. John Parsons and John Bird.*—Plaintiff having lent a sum of money to Lionel, late Bishop of Salisbury, and taken certain plate in pledge for the same, the Defendants, as his Executors, have brought an action of *detinue* against the Plaintiff, wherefore he prays a *certiorari* to be directed to the Bailiffs of Bristol.

*Richard Anlaby v. Robert Croke.*—The plaintiff, being unjustly imprisoned, prays a *corpus cum causâ* to be directed to the Sheriff of London.

*John, Earl of Oxford v. Sir James Tyrrell and Sir John*



*Rysley, Knights, William Tunstall and William Paston, Esquires, and Henry Robson.*—Bill to perpetuate testimony.

*Sebastian Giglis v. Robert Welby, Priest.*—To compel Defendant to pay the sum of twenty pounds, being the amount of a bill given by him, &c. [Time given—Answer—Replication—Rejoinder—Decree.]

*Humfrey Peverell v. Sir William Huse and others.*—For an injunction to stay proceedings at law. [Decree.]

*Peter Blank, Surgeon, v. Simon Lynde.*—Plaintiff having undertaken to cure a disease in the eye of the Defendant's child and failed, an action of trespass is brought against him, whereupon he prays a writ of *certiorari*.

*Richard Bailly and Joan his Wife v. Richard West, Clerk.*—To compel Defendant, as feoffee in trust, to make an estate to Plaintiff Joan and her heirs in certain lands and tenements in Hawkesbury, in the county of Gloucester. [Writ to Abbot of Kyngeswode—Return—Answer.]

*Richard Grey, Earl of Kent, v. Walter ap Rice.*—To be relieved from an unjust demand made by the Defendant, who is keeper of a tavern to which the Plaintiff had resorted, and therefore praying a writ of *certiorari*, &c.

#### REIGN OF KING HENRY VIII.

*John Fellow v. Thomas Meke.*—For discovery of title-deeds alleged to be in the possession of the defendant. [*Publicatio facta est ex assensu partium*—Decree indorsed.]

*Thomas Gray v. — Shakerley.*—Complaining of attempts made by the Defendant, who is brother to two of the archbishop's servants, to defoil his cousin and servant, and of violent assaults made on himself, &c.

*Robert Ellowe, William Wastlyn, and others; Parishioners of St. Clement Danes v. Thomas Taylor.*—To recover possession of the revenues belonging to the guild or fraternity of St. Clement Danes, let on lease to the Defendant, and which he had unlawfully underlet for terms beyond his interest in the premises.

*Thomas Royall and William Marlar v. William Garter.*—Plaintiffs had commenced actions against Defendant for "occu-

pying the feate of surgery within the city of London, being no freeman, nor admytted according to the King our Soverain lordes act upon surgery made;" he obtained an injunction to stay proceedings, whereupon the Plaintiffs now pray a Writ *De Procedendo*.

REIGN OF KING EDWARD VI.

*Cutbert Savell, Gent. v. William Romsden*.—To set aside a deed obtained by fraud, and for an injunction to stay proceedings.

*Lady Elizabeth Morreys v. Sir William Denham, Knight, William Abbot, and Margery his Wife*.—To establish a title to certain lands in Buntingford, in the county of Hertford, by descent from her father.

*Richard Vaughan and William Saye v. Henry Croke, John Croke, Robert Wase, Robert Hill, and Robert Forster*.—Praying that Writs *subpoena* may be directed to the Defendants to compel them to appear before the sheriff and inquest, to give evidence.

*John Cockson and Jane his Wife v. Agnes Warner, Roger Denyson, and Maude his Wife*.—To recover certain "specialties and writings obligatory" entrusted to the said Agnes Warner. [Commission to take Answers—Return, &c.]

*William Gyse v. Leonard Rede, Esq.*—To recover from the Defendant a messuage in the parish of St. Clement Danes, which he was to have in consideration of the Plaintiff's conveying to the Duke of Somerset, an Inn called "the Goat," at Strand-bridge. [Answer.]

*Richard Cullyer and John Cullyer v. Thomas Knyvett, Esq.*—To quiet Plaintiff in possession of certain lands holden of the manor of Cromwells in Wymondham, by copy of court-roll, according to the custom of the said manor. [Answer—Replication.]

REIGN OF KING PHILIP & QUEEN MARY.

*Hugh Griffithe, Clerk, v. Hugh Weston, Doctor of Divinity*.—Plaintiff, being one of the Prebendaries of Westminster, claims a portion of the velvet, &c. used about the adorning of St. Edward's Chair, &c. at Queen Mary's coronation, and about the burial of King Edward the Sixth. [Answer—Replication.]

*John Atkinson v. Gerrard Harman.*—To stay proceedings at law, and praying a Writ of *corpus cum causâ*. [Answer—Replication.]

## REIGN OF QUEEN ELIZABETH.

*Samuel Aylmer v. Richard, Bishop of London.*—To recover certain books of account touching the repair of the cathedral church of St. Paul in London. [Answer.]

*John Shakespere, of Stratford-upon-Avon, and Mary his Wife, v. John Lambert.*—To recover possession of a messuage and land in Wynecote, in the county of Warwick, mortgaged to the Defendant's father. [Answer—Replication.]

*John Hunt v. John White.*—Bill to set out metes and bounds, and to perpetuate testimony.

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[The following is the List of the Examples of early Proceedings prefixed to Vol. II.]

## REIGN OF KING RICHARD II.

*John Brounyng v. Richard Warde.*—Complaining of an assault made upon him while in the execution of his office as one of the Chief Constables of the county of Gloucester, before the Justices of the Peace at their Sessions.

*Thomas Wheler, Clerk, v. John Huchynden.*—Complaining of a breach of covenant, and praying for relief. [Pledges to prosecute.]

## REIGN OF KING HENRY V.

*Elizabeth, who was wife of John Rothenhale, v. Nicholas Wychingham.*—To compel the Defendant to make an estate to the Plaintiff, according to the wills of William Clere and John his son, and also to protect the Plaintiff in the occupation and management of certain manors and lands in the bill mentioned and set forth.

*William Alyngton, Sheriff of Cambridge and Huntingdon, v. William Sibell, Esq., John Webbe, and Robert Repham.*—Praying that the Defendants, who had rescued certain persons from the custody of the Plaintiff's officers and ill-treated them, be com-

manded to appear before the Chancellor, and be duly punished, &c.

*Reginald de Grey, Lord of Ruthyn.*—The Lieutenant of Ireland having caused the Lordship of Weysford to be seised into the hands of the Lord the King, the Complainant prays that the Chancellor of Ireland may be commanded to send into the Chancery of England the tenor of all Records and Evidences concerning the same, and that no livery thereof be made to any one, until the King shall otherwise command, &c.

*The Abbot of Tynterne v. Thomas Zonge.*—To recover a silver-gilt cross belonging to a cell of the Abbey of Tynterne, which cross is wrongfully detained by the Mayor of Bristol.

*The Provost and Commonalty of Plympton v. Walter Selman and others.*—Complaining that they have been interrupted by the Defendants in holding their market in the town of Plympton; and as they cannot bring an action at common law, they pray for writs *Subpoena* to be sent to the Defendants to appear before the Chancellor.

*John Wele v. Hugh Courtenay and John Boyville.*—Praying for a Supersedeas to set aside a Commission.

*William Bishop of Lincoln v. John Mackworth, Clerk, Dean of Lincoln.*—The Complainant, being translated from the See of London to the Bishoprick of Lincoln, has done fealty and had livery of his temporalities, but is disturbed by the Defendant, to whom he prays that a writ may be directed, to appear in Chancery and give security.

#### REIGN OF KING HENRY VI.

*Roger Benyngton and Alice his Wife v. John Elyngham.*—Complaining that the Defendant had taken away his daughter, who had bound herself as a servant to the Plaintiffs, and that they were thus deprived of her services, &c.

*Margaret Beck v. John Hesill, otherwise called John Barker.*—To recover a messuage and fifty acres of land in the township of Carleton, near Ancaster. [Decree.]

*Thomas Yatte v. John Lynford.*—To be relieved from an obligation unjustly obtained.

*John Cok and John Sharp, Bailiffs of the Guild of the craft of Weavers, v. William Cokenage, Robert Hawkyn, Richard Herberd, Walter Rikill, and others.*—To compel the Defendants and others, Weavers within the city of London and borough of Southwark, to contribute to the farm to be paid by the said Corporation of Weavers.

*Robert Arneburgh and Alice his Wife v. Thomas Bernard, James Bellard, and others.*—To stay proceedings at law, and praying relief.

*Piers Hoton, Chaplain to the Duke of Gloucester, v. Thomas Hardewyn.*—After the decease of the Plaintiff's predecessor in the church of Belgrave, in Leicestershire, the Defendant entered and carried away corn and other property, and did various injuries and damages, for which the Plaintiff prays redress.

*Lucy Hulkere, Widow, v. Henry Alcote and Elizabeth Alcote.*—To be relieved against a false release, and to recover evidences and goods.

*Alice Willebye v. Thomas Veyle.*—Praying for a Writ to be directed to the Bishop of Norwich to examine the parties on matters in question, and a Supersedeas to the Sheriffs of Norwich to stay proceedings. [Writ—Examination returned into Chancery.]

*John Bredhill, Parson of Kynges Swynford, v. John Sheldon, John Clerk, Thomas Yonge, and Thomas Bradley.*—The Defendants having wrongfully entered into the parsonage of King's Swynford, and taken away the Complainant's tithes, goods, &c., he prays relief.

*Richard Sackenille and Margery his Wife v. Henry Fortescue, late Justice of Ireland.*—To recover possession of land and housing in Nethercombe, in Devonshire, of which the Defendant has wrongfully dispossessed him.

*John Roper and Edmund Roper v. John Rollyng.*—To compel the Defendant, as joint feoffee of the manor of Chestvyle, in the county of Kent, to make an estate to the Plaintiffs, as heirs of John Roper, the feoffor, being land held in gavelkind. [Answer.]

*John Buron, Sheriff of Lancaster, v. Sir John Pilkington, Knight.*—Complaining that the Defendant, in consequence of

distress levied for the non-payment of green wax, had seized certain cattle belonging to the Plaintiff, and maltreated his servants. [Decree indorsed—Dismissal with costs.]

*Robert Myrfyn v. William Fallan, Roger Byrkys, and George Myrfyn.*—To compel the Defendants, as feoffees of Robert Myrfyn, the Plaintiff's father, to make an estate to him in the manor of Wynvale, in the county of Kent, according to his said father's will. [Answer—Decree indorsed.]

*Lady Katherine Felbrigg v. John Damme.*—To compel the Defendant, who was one of the executors of the will of Sir Simon Felbrigg, Knight, to make an estate in the reversion of the manors of Felbrigg, Culmerton, Routon, Ravyngham, Colby, Totyngton-hall, Crakeford-hall, and Ingeworth, in the county of Norfolk, according to the will of the testator. [Answer. See also *Supplemental Bill.*]

*Thomas Lord Scales v. Dame Katherine Felbrigg and John Dame.*—To compel the Defendants to make an estate to the Plaintiff in the reversion of the manors of Felbrigg, Ailmerton, Routon, &c., according to a deed of purchase. [Answers—Replication—*Award* indorsed on the bill.]

*William Saundre and Joan his Wife v. John Gainsford.*—To recover certain lands and tenements situated in the parish of Wantage, in Berkshire, which the Plaintiffs claim to be entitled to under a deed of settlement. [Special indorsement on bill.]

*Edmund Duke of Somerset and Alianor his Wife, John Earl of Shrewsbury and Margaret his Wife, and George Neville Lord Latymer and Elizabeth his Wife, v. William Payne.*—For the recovery of evidences respecting the manor of Wotton-under-Edge, in the county of Gloucester.

*Walter Abbot, of St. Austyn, of Bristol v. Thomas Pouncefote, Esquire.*—Complaining that the Defendant has interrupted the Chamberlain and Bailiff of the Abbey of St. Augustine, in Bristol, in holding their courts, receiving rents, &c. in the manor of Asschelworth, in the county of Gloucester, belonging to the said abbey, and praying that a writ may be directed to him to appear in Chancery, and give security of the peace.

*Richard Walker v. John William and Elyne his Wife.*—To

recover lands and tenements in New Salisbury, alleged to have been obtained by means of forged deed. [Answer—Replication.]

*William Edlyngton, Esq. v. John Everard.*—To compel the Defendant, as a feoffee, to make an estate to the Plaintiff, according to a deed of purchase. [Examinations of Defendant and of others.]

*John Chambre, Esq. v. Ralph Grevill.*—Complaining that the Defendant had riotously entered into his manor of Hanwell, in the county of Oxford, and unlawfully driven away his cattle, &c., and praying a writ to be directed to him to appear and give security of the peace.

*William Wilflete, William Chedworth, Richard Roo, and Richard Jones, v. Austyn Cassyn.*—To compel the Defendant to deliver to the Complainants certain goods and chattels according to the last will of Hugh Spencer, Esq. [See the schedule.]

*John Bird v. John Gruffith.*—Complaining that the Defendant, who is a common hunter and destroyer of the King's game, threatens the life of the Plaintiff, and praying that he may be compelled to find security of the peace.

*Nicholas Tarleton v. Sir John Gruffith.*—Complaining of outrages committed by the Defendant, and praying that he may be compelled to give security of the peace.

*John Jonesse v. John Peneley and William Peneley.*—To compel the Defendants to make an estate to the Plaintiff according to the conditions of a purchase.

*Richard, John, and William Breggeland v. Thomas Calche.*—To compel the Defendant, as the feoffee in trust of the Complainants' ancestor Thomas Breggeland, to make an estate to the Plaintiffs in certain lands in Merden, in the county of Kent.

*John Frebarn v. John Davy, Esq. Marshal of the Admiralty.*—The Plaintiff's servants having been arrested by the Marshal of the Admiralty on an action of trespass, and imprisoned in the Tower, he denies the authority of the Admiralty and of any officer of the Tower to do so, and cites [in schedule] statutes of Kings Richard the Second and Henry the Fourth in support of his plea.

*Margaret, late Wife of John Withe, v. William Mullesworth.*—

Complaining that the Defendant, being entrusted by her late husband to make his will, fraudulently inserted his own name as executor, and has deprived the plaintiff of her goods, &c.

*John Goold v. William Petit.*—Praying that the Defendant may be compelled to make an estate to the Plaintiff, according to the will of his late wife. [Answer—Rejoinder.]

*John Furby v. Richard Martyn and John Bamme.*—To compel the performance of an agreement for the sale of the manor of Worth, in the parish of Little Horstede, in the county of Sussex, purchased by the Plaintiff. [Answer—Replication—Rejoinder.]

*Richard Penpons v. John Trenouth and Richard Joos.*—The Complainant, being steward of the hundred of Penwith, in the county of Cornwall, is impeded and assaulted by the Defendants and others in the execution of his office, and having no remedy at common law, prays that writs of *Subpoena* may be directed to the said Defendants to appear before the Chancellor. [Answer—Rejoinder.]

#### REIGN OF KING EDWARD IV.

*John Lyon and Elen his Wife v. John Hewe and David Kemp.*—Complaining that the Defendants had disposed of property left for religious and charitable purposes, in the parish of St. Martin in the Fields, contrary to the will of the Plaintiff Elen's late husband. [Answer—Replication.]

*Christopher Worsley and Jane his Wife v. John Bettiscombe.*—To compel the Defendant, as surviving feoffee, to make an estate to the Complainant Jane, according to the will of her late husband, Edward Brooke, Lord Cobham. [Answer—Replication—Rejoinder—Rejoinder.]

*William Senyng v. John Grangeman.*—The Plaintiff, having purchased of the heirs of John Colet certain lands in the parish of Eldyng, in Kent, prays that the Defendant, who is feoffee in trust, may be compelled to make an estate to him in the same. [Answer—Replication—Commission—Return.]

*Thomas Baker v. William Parson, William Penpoll, and Sybell Penpoll.*—For discovery of evidences and title deeds. [Answers—Replication.]



*Gefferey Blower v. Richard Luke.*—To obtain an acquittance made and sealed on an award between the Plaintiff and Richard Scardeburgh. [Answer.]

*Anne Boleyn, Roger Copley and Anne his Wife, Alianor Echyngham, and Elizabeth Hoo v. Thomas Hoo, John Heydon, Bartholomew Rauff, and John Woodye.*—Praying that the Defendants, as cofeoffees, may be compelled to make an estate in the manors of Wortlyng, Bukstepe, and Brokesmele, in the county of Sussex, according to the will of Sir Thomas Hoo, Knight. [Answers.]

*Thomas, Cardinal, Archbishop of Canterbury, v. John Derby.*—Praying for a writ of *certiorari* to be directed to the Mayor, Aldermen, and Sheriffs of London.

*Richard Tyngelden v. Thomas Warham.*—To compel the performance of a contract. [A copy of the contract is annexed to the bill—Answer—Replication—Rejoinder.]

*John Saunder v. John Saunder, John Jurdan, and Thomas Hyde.* To quiet possession, and to compel the Defendants to make a release of a messuage and lands in Cherlwood, in the county of Surry. [Cross Bill—Answer—Title and Answer—Replication—Rejoinder.]

*George of Clay v. William Aldeburgh, William Thornewton, and William Kirkehame.*—Complaining that the Defendants, who are his feoffees in trust, have deprived him of the presentation to the church of Fenynghley, in the county of Nottingham, which is appurtenant to his manor of Fenynghley. [Attachment—Answer.]

*William, Abbot of St. Albans, v. John Ferrers.*—To recover certain arrears of rent due from the steward of the monastery, and which it is alleged the Defendant promised to pay. [Time given *ad producendos testes et ad probandam materiam*—Answer—Replication—Rejoinder.]

*Thomas Uncle v. Richard Fyldyng.*—To compel the Defendant to render an account. [Time given *ad producendos testes et ad probandam materiam*—Answer—Replication—Rejoinder.]

*Thomas Cotys and Margaret his Wife v. Simon Joly.*—To recover title deeds, and to compel the Defendant to make an estate according to the will of the complainant Margaret's father.

[*Dedimus potestatem*, &c.—Further Bill—Answer—Replication—Rejoinder.]

*William Penteney v. Alianore Lady Lovell, Widow*.—Complaining of outrages committed by the Defendant and her servants, and praying redress, &c.

*George Box, Piers Burton and Margery his Wife v. Piers Bank, Richard Bank and Robert Scrop*.—Praying relief against a lease fraudulently obtained, and to stay proceedings at law. [*Dedimus potestatem*, &c.—Answers—Replication.]

#### REIGN OF KING RICHARD III.

*Ralph Fry and Elizabeth his Wife v. Thomas Onsty*.—To compel the Defendant, as one of the feoffees of the Plaintiff Elizabeth's father, to make an estate to the Plaintiffs of a moiety of certain premises in the parish of Cokefield, in the county of Sussex, according to the said father's will. [Answer.]

*Thomas Mors and Elizabeth his Wife v. Thomas Coke*.—Praying that the Defendant, as feoffee in trust of Thomas Mors, the Plaintiff Elizabeth's father, may be compelled to make an estate to the Plaintiffs in a messuage and lands in Rodley, in the county of Gloucester, according to the will of the said Thomas. [*Dedimus potestatem*—Answer—Replication—Commission to examine witnesses.](6) (7) (8)

(6) [A work similar to the *Calendar of Chancery Proceedings* now published was projected by the late Mr. Lysons, and he actually began to print it, "being fully persuaded that it will be of great use to the public."—See *Reports from Commissioners on the Public Records*, vol. i. p. 367. See also *Bayley, History and Antiquities of the Tower of London*, p. 260. Few persons however are aware that Mr. Lysons' work was in a modest octavo form. The compiler is in possession of the unpublished sheets. They comprise 136 pages (in 8vo.) of the early specimens (reprinted *verbatim* in the folio edition), and an *Index Locorum* to Chancery Proceedings, *temp.* Elizabeth (182 pages), and the commencement of an *Index Locorum*, *temp.* Jac. I. (pages 185 to 208). The expense of the work was repaid to Mr. Lysons by the King's Printer, the ancient banker of the Record Commissioners. The manuscript Calendars are said to have been compiled by Messrs. Hoole and Cessart, formerly clerks in the Tower: they do not extend beyond the latter part of the reign of James I.]

(7) [Many antiquarian and legal writers have borne testimony to the value of the matter that may be extracted from the Pleadings in Equity Suits. It will be sufficient, however, to cite in this place the description given of them by Mr. Stacey Grimaldi.—

"A great part of the proceedings in the Equity Courts, relate to affairs solely of a private family nature, as a dispute on a Will, or the want of a Will; protection for Infants, Lunatics, Marriage Settlements of Wards of the Court, and the like. In all these cases (and of them our report books are full) we have the lineal succession of families, the particulars of the estates, with dates, names, localities and identities, clearly set out, corroborated by affidavits, interrogatories, depositions, answers filed of record, and sworn to by all the parties answering, and accompanied with ulterior proceedings in the Master's Office, and not unfrequently attended with deposits of documents and title deeds."

"Often a suit in Equity is for the purpose of the several heirs, or next of kin; proving themselves to be such, and then the family genealogy is investigated (possibly for two or three centuries) with great legal accuracy and genealogical nicety. In the claims to the estates of the late Duchess of Norfolk, the Scudamore pedigree was traced from the reign of the Tudors: every known collateral branch was inserted; and the births, marriages, and deaths of nearly every individual, descending from every collateral branch for nine generations, were proved by registers, wills, inquisitions *post mortem*, and other documents. By nothing, but by a comparison of it with the printed histories of this family, can an idea be formed of its superiority over every Scudamore pedigree in the possession of the public."

"Many thousand title deeds were brought into court in the suit and indexed; as was also a multitude of documents relating to the Scudamores and their connexions; and thus are the archives of Equity Courts often found to contain records and particulars of families, which are not now to be discovered in any other depository in the kingdom."—*Grimaldi, Origines Genealogicæ*, pp. 91, 92.]

[A practical illustration of the utility of the Calendars is afforded by the fact, that the number of searches since the publication of the first volume (in 1827) was, in the month of August last, more than threefold the number of those made during the whole time that Mr. Astle was keeper of the Records of the Tower, a space of nearly thirty years.\* This appears from the office accounts kept at the Tower, and furnishes an argument in favour of a proposal not long since made, that Record Keepers, so long as they are remunerated by fees, should contribute to the expense of compiling and printing indexes to certain classes of documents in their custody.]

(8) [When the labours of the Record Commission of March, 1831, commenced, 240 pages of the third volume of the Chancery Calendars had been printed. The work has been recently resumed, and it is intended to bring it down to the end of the reign of Elizabeth. This will complete the volume. Directions have been given for printing the remaining sheets in a more economical manner; and also for inserting the dates of the different bills, wherever the same can be ascertained. See *Retrospective Review*, vol. i. p. 72, Second Series.]

\* [Terminating in 1803, when Mr. Astle died.]

## CHAPTER XIX.

ACCOUNT OF THE PUBLICATION, ENTITLED, **DUCATUS LANCASTRIÆ, CALENDARIUM INQUISITIONUM POST MORTEM, &c. temporibus Regum** Edw. I. Edw. III. Ric. II. Hen. V. Hen. VI. Edw. IV. Hen. VII. Hen. VIII. Edw. VI. Regin. Mar. Phil. et Mar. Eliz. Jac. I. Car. I. **A CALENDAR TO THE PLEADINGS, SURVEYS, DEPOSITIONS, &c. in the reigns of Hen. VII. Hen. VIII. Edw. VI. Queen Mary, and Phil. and Mary. PARS PRIMA—PARS SECUNDA—PARS TERTIA.**

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*[From the Preface to the First Volume of the Work.]*

ACCORDING to the Return made to the Select Committee of the House of Commons, in the year 1800, the Inquisitions *post Mortem* in the office of the Duchy of Lancaster, then found, amounted to 2400, beginning with the 1st year of King Henry V. 1413, and ending with the 18th year of King Charles I. 1642. A more recent investigation has shown their number to amount to 3569. These it has been found necessary to put in a better state of arrangement, and to clean, repair, and bind into volumes. A new Calendar of the same has also been composed and forms the First Part of the first Volume of the Work.

The Pleadings, consisting of Bills, Answers, and Depositions and Surveys, in Suits exhibited in the Duchy Court, commence in the 1st year of King Henry VII. and are continued to the present time. The Calendar now published extends from the earliest date of these

Pleadings to the reign of Philip and Mary, including 5682 Records, and forms the Second Part of the same volume.

The Calendars to the remaining part of these Pleadings will be given in the second volume.

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[*From the Preface to the Second Volume of the Work.*]

This volume contains a Supplemental Calendar to the Pleadings, Depositions, &c., *temp.* Hen. VII. in continuation of the volume previously published, and includes several Records which had been heretofore considered as lost, but have been recently discovered in the Duchy Office; a Calendar to the Pleadings, Depositions, &c. in the reigns of King Henry VIII. King Edward VI. and Philip and Mary; and a Calendar to the Pleadings, &c. in the reign of Queen Elizabeth, as far as the 13th year of her reign inclusive; with copious Indexes (1) of places and persons in their respective Calendars.

The Calendar to the remaining part of the Pleadings, &c. *temp.* Eliz. will be continued in a succeeding volume. (2) (3)

(1) [It is said that the compiler of the Index has done much to render it more satisfactory, by introducing "the distinctive appellations of persons, as occupiers or officers, &c.," which "will facilitate searches, by immediate references as well to persons as places."—See vol. ii. p. 509, and *Retrospective Review*, Second Series, vol. i. p. 68.]

(2) ["The Calendars (*Ducatus Lancastriæ*) present the names of the plaintiffs and defendants, a slight notice of the subjects, and of the situation of the lands, or other property, in dispute. It is material to observe, that the lands litigated were as frequently in other counties as in Lancashire; hence the utility of the Calendar is not confined to that county, but extends to all lands, which formed part of the Duchy of Lancaster."—*Nicolas on the Public Records*, p. 96.]

[A considerable portion of the Calendar to the remaining part of the Pleadings, &c., *temp.* Eliz. has been actually printed. It comprises 300 pages, and completes the series to the 36th year of that Queen's reign. The further prosecution of the work is, however, at present suspended. It is said that the Duchy Calendar of Inquisitions has many of the defects, which occur in the

Calendar of *Inquisitiones post Mortem* in the Tower.—*Nicolas, Observations on the State of Historical Literature*, p. 86.]

(3) [The following remarks upon the Work which is the subject of this chapter, are not undeserving of attention:—

“ It is obvious that this and the former volumes, relating to the proceedings in the Court and Duchy of Lancaster, contain much information of considerable value to those interested in that county, and occasionally also of a more general nature ; but it is questionable whether the publication of these Calendars should not have been postponed until Records of a more important description had been printed. Few people, comparatively speaking, have occasion to consult the Muniments of that duchy, whilst scarcely an historical research can be made without requiring a reference to the Patent Rolls, and Fine Rolls, &c. and still more frequently to the Rolls of Parliament.”—*Retrospective Review*, Second Series, vol. i. pp. 68, 69.]

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## ADDENDA.

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*Catalogues of the Cottonian, Harleian, and Lansdowne MSS. Pages 28—123.*

“THAT these Catalogues are often erroneous and generally unsatisfactory is well known to all, who have consulted them. The first two volumes of the Harleian Catalogue are much better than the third volume, than which nothing could be more disgracefully executed. A volume, of which the contents are very miscellaneous, is often dismissed in two lines; and as an example of the little care displayed in its compilation, it is sufficient to state that the description of all the manuscripts from No. 5030 to No. 5510, that is, four hundred and eighty volumes, only occupies six pages. In many other instances no information is afforded as to the contents of the manuscripts; for example, No. 5192 is stated to consist of ‘some Charters relating to the church of St. Peter, York;’ not a word being said of their nature, purport, or date. No. 6983 is described as ‘an octavo, consisting of various heraldic collections;’ by whom and of what kind being left to the imagination of the reader. No. 6982 is merely called ‘an octavo taken from registers in the Cotton Library.’ Nos. 6979 and 6980 are said to be ‘two volumes from the collection of H. Warton;’ who Warton was, and what was the subject upon which he collected, being unexplained. The defects of the Catalogue of the Cottonian Manuscripts are of a similar kind, the manuscripts being very imperfectly described. In most instances where the miscellaneous collections of individuals are bound up, the volume, or the part of the volume, containing them is simply mentioned in the Catalogue as consisting of the collections of A, B, or C; sometimes without

being accompanied by any account of the subjects to which those collections relate, and affording no clue whatever to any particular article. The same remark applies in many instances to Letters; for though the names of the writers and of the persons to whom they are addressed, with the dates, are generally noticed, it is seldom that any allusion occurs to the more important part, namely, the points treated of in them. To this it must be added that the descriptions of the manuscripts are not unfrequently erroneous, and what is equally material, the general index at the end of the volume is extremely incomplete. For example, the Cottonian Collection contains the highly valuable chronicle of the Abbey of Lanercost, but no special reference is to be found to it in the general index; and other omissions of equal consequence might easily be cited. It must be observed, that notwithstanding the large sums expended upon that admirable and truly national establishment, (*the British Museum*,) the Catalogue of Additional Manuscripts in the collection is not yet printed, and that upwards of two thousand manuscripts are not indexed, even in the Manuscript Catalogue in the reading room. The great desideratum, however, with respect to the manuscripts in the Museum is, that there should be a general and most accurate classed Catalogue referring to all the collections; of the names even of which collections a person may frequent the reading room for years and be ignorant."—*Nicolas, Observations on the State of Historical Literature*, pp. 75—77.

"To those who are interested in historical, antiquarian, or biographical literature, it (*the Catalogue of the Harleian MSS.*) is indispensable; and, as well as the Cottonian and Lansdowne Catalogues, will well repay an attentive perusal; for so infinite is the variety of the subjects which occur, that the general Indexes furnish but an imperfect idea of the contents of these matchless collections."—*Nicolas on the Public Records*, pp. 104, 105.

"The Harleian Library contained 7639 volumes, exclusive of 40,000 original rolls, charters, deeds, and other



legal instruments." (See *ante*, p. 56.) "Of this invaluable collection of charters, rolls, &c, a good manuscript Catalogue is placed in the reading room (*of the British Museum.*) It is very much to be wished that it were printed."—*Ibid.* p. 101.

*The Statutes of the Realm.* Page 141.

[The Report from the Committee of the House of Commons upon Temporary Laws, Expired, or Expiring, (May, 1796,) which was prepared by the late Lord Colchester, enumerates the different public attempts to effect a general revision of the Statute Law. It is there stated that "King James the First, upon his accession to the throne of England, and in subsequent periods of his reign, recommended also to Parliament a reform of all the Statute Law, and of the Penal Laws in particular; and a Committee of the House of Commons was appointed in 1597 to consider of a bill for abridging and reforming the excessive number of superfluous and burthensome Penal Laws." See *Reports from Committees of the House of Commons*, vol. xiv. p. 36. The reader, who chances to forget that James did not succeed to the throne of England until the year 1603, will hardly assign the labours of this Committee of 1597 to the reign of Elizabeth. It is an error into which the Compiler confesses that he fell in abridging and translating this passage of Lord Colchester's Report, although perhaps the translation is not less equivocal than the original.—*Lettres sur la Cour de Chancellerie et quelques Points de la Jurisprudence Angloise*, p. 151, London Edition. The Committee in question was appointed the 7th November, 1597, and the following account of it is given by Sir Simon D'Ewes.

"Sir Francis Hastings moved for the abridging and reforming the excessive number of superfluous and burthensome Penal Laws; which motion being seconded by Mr. Francis Bacon and others, the consideration of the managing thereof was committed unto all the Privy Council being members of this House—all the scrjeants at law being

likewise members of this House—all the lawyers of this House, Mr. Miles Sandes, Mr. Tasbrough, Mr. George Moore, Mr. Lewkenor, Mr. Nathaniel Bacon, Mr. George Rotherham, Mr. Stephenson, Mr. Conisbie, Mr. Dykes, Mr. Crompton, and others—and all the knights for the counties and for the city of London returned into this House, Sir William Moore, Sir Edward Hobbie, Mr. Heyle, Sir Thomas Hobbie, and Mr. Hubbard, who were appointed to meet in this House upon Thursday next, at two of the clock in the afternoon.”—*D’Eces, Journals of all the Parliaments during the Reign of Elizabeth*, p. 553. See also *Parliamentary, or Constitutional, History of England from the earliest Times to the Restoration of Charles II.* vol. iv. p. 416.]

*The Statutes of the Realm.* Page 206.

“ The sole object of printing a new edition of the Statutes was, that there might be a complete collection, as well of repealed as of the existing Acts of Parliament, and that the text might be relied upon for its accuracy. It is gratifying, where there is so much to lament with respect to the other works, to say that of the accuracy of the text, translations, and collations, no complaints have been made; but still this edition is by no means a perfect collection of the Statutes of the Realm. The collection ends with the accession of George I., so that not one of the greater part of the operative Statutes is to be found, and not a single Private Act is inserted. Though it might not have been wise to print all the modern Private Statutes, on account of their extent, one volume at least should have been devoted to the earlier ones, because the Private Statutes in the reigns of the Plantagenets and Tudors, abound in historical, biographical, and antiquarian, if not legal information, as well as with notices of the descent of lands; and one volume would have comprised nearly, if not the whole, of the Private Acts down to the accession of the House of Stuart. This defect may, however, be easily supplied, without affecting the value of the new edition, to

which it would form a valuable supplement, but that edition requires at least half the Statutes to render it complete. It is by no means certain that the Indexes to the Statutes are as good as they ought to have been, both in relation to their importance and to the heavy sum, which they have cost; and the omission of an index to the names of all the persons and lands mentioned in the Public Acts is very much to be regretted.”—*Nicolas, Observations on the State of Historical Literature*, pp. 97—99. See also *Westminster Review*, vol. x. p. 409, April, 1829.

*The Statutes of the Realm—Sessional Publications.*—[A Collection of these Sessional Publications, extending from the 1st year of the reign of James I. to the 56th year of the reign of George III., was several years since purchased by the Record Board, and placed in the Speaker's gallery. This collection fills 154 volumes. It was subsequently removed to the British Museum.]

*The Statutes of Ireland.* Pages 198—200.

[The Commissioners on the Public Records of Ireland stated in their First Report, (March, 1811,) that they had given directions that a complete and authentic edition of the Statutes and Ordinances of that country should be prepared and printed. Previously to the date of this Report, Sub-Commissioners had been appointed for the execution of this work, and there is ground for believing that these gentlemen did not altogether abandon the task, which they undertook, until the recent extinction of the Irish Record Board. All the ancient Statutes, that could be found in Ireland, (consisting of some hundreds, of a date prior to the tenth year of the reign of Henry VII.) were transcribed for the first volume of this Collection, but the other fruits of the learned toil of twenty years were scanty and valueless. Early in 1824 all idea of printing a complete edition of the Statutes of Ireland was abandoned, and the Board came to the resolution not even to print the materials collected for the first volume. It was, however, determined that a

supplemental volume to the edition of 17—, containing the *Corrigenda* and various Readings of the Statutes, should be published, and specimens of such volume were submitted to the Commissioners. See *Reports from the Commissioners on the Public Records of Ireland*, vol. i. pp. 11, 12. 15. 481. 548. 552; vol. ii. pp. 3, 4, 5, 6. 9, 10. 12. 53. 55—58. 639. 643. 645—647; vol. iii. pp. 4, 5. 8. 12. 14. 20, 21. 24. See also the 16th, 17th, 18th, and 19th Reports from the same Commissioners. In the Appendix to the 18th Report, (March, 1828,) is a list (such list being made in pursuance of an order of the Board, dated 1st October, 1820,) of such Public General Acts as the Sub-Commissioners conceived to be still in force, which are not in the printed edition of the Irish Statutes.

In the return made in April, 1829, to the Select Committee on the Irish Miscellaneous Estimates, of the Works then in progress under the authority of the Irish Record Board, mention is made of “the printing of the *Addenda* and *Corrigenda* found in the edition of the Statutes, collated with the Statute and Parliament Rolls and Transmisses, to which it is proposed to add nearly 1,500 Statutes discovered by the Sub-Commissioners on the Patent, Plea and Memoranda Rolls, and which are not in any printed edition of the Statutes; the whole to be comprised in one volume.” It is added that, “in order to save the expense of re-printing an entire edition of the Statutes as collated with the Records, and which would comprise nearly ten volumes similar to those of the Statutes of the Realm, or of the Parliament of Scotland, it has been considered expedient to compile materials for one volume, containing the *Errata*, *Addenda*, and *Corrigenda*, found by the Sub-Commissioners in the present edition, which, with the inedited Statutes discovered by them among the Records, it is conceived, may answer all the purposes of an entire new edition, and at a very moderate expense.”—*Report from Select Committee on Irish Miscellaneous Estimates*, 19th June, 1829. Respecting the Irish Statutes consult also *Nicolson, Irish Historical Library*, pp. 50—52.]

*The Domesday of North Wales.* Page 230.

[The late Mr. Parry prefixed to his translation of the Extent of the County of Anglesea, taken by John Delves, 26 Edward III. A. D. 1352, the following short introductory remarks. "The copy of the Extent, from which the following translation is made, forms part of the collection of manuscripts, recently purchased, by the Cymmrodorion, from the representatives of the late Mr. Owen Jones, and of which a catalogue has been given in a preceding part of this volume. About the time when this Extent was made, as well as on many other occasions, similar surveys were taken of the other counties in North Wales, for the purpose of making the English government acquainted with the revenues of the country, as well as with the peculiar tenures and other usages, that prevailed there. For this purpose, Commissions of Inquiry were established in every Commote in North Wales, with a view to the attainment of the necessary information. The inquisitions thus made were afterwards deposited, as national records, in the Royal Exchequer at Carnarvon, where they remained, for a considerable period, a prey to the ravages of time. And it is probable, that few, or none, of these curious documents would have descended to our times, if Sir William Gruffydd, of Penrhyn, who was Chamberlain of North Wales in the reign of Elizabeth, had not, with a truly patriotic zeal, collected all such as he could rescue from the fate to which they had been abandoned, and caused them to be fairly transcribed. Two copies of this collection have been ever since preserved among the public records in London, and several transcripts of the whole, or part, that have been made at different times, are in the possession of private individuals. To this brief account it is only necessary to add, that we are enabled to glean, from these Extents, many interesting particulars respecting the ancient laws and policy of Wales, relating to real property, which might otherwise have been for ever lost. This Extent is written in the law-latin of the age to which it refers."—*Transactions of the Cymmrodorion, or Metropolitan Cambrian Institution*, vol. i. pp. 336, 337.]

*Ancient Placita. Pages 232—243.**[From Manuscript Collection.]*ANALYSIS OF THE ANCIENT ROLLS OF PLACITA FROM WHICH THE  
ABBREVIATIO PLACITORUM WAS PRINTED.

DATE.	TITLE OF THE ROLL, (with Remarks).	No. of Mem- branes in each Roll.	No. of Lines in each Roll.	No. of Folios printed.	No. of Folios in each Roll.
	<b>Richard I.</b>				
Mich. 6 Ric. I.	Placita apud Westmonast' a die Sci Michaelis in 15 dies..... The Extracts taken by Arthur Agarde from this Roll are arranged under Counties. The Roll is much faded and decayed, and very diffi- cult to decypher.	18	80 front. 80 dors.  2880	131	576
10 Ric. I.	Placita anno regni Regis Ricardi 10 .....	29	80 front. 80 dors.  4640	96	928
	Placita et Assise. Wilts. .... Nearly the whole of this Roll appears to be abbreviated and printed.	7	70 70  980	126	196
10 Ric. I.	Rotulus de Assisis apud Hurtford Not printed.	1	50	..	10
9 Ric. I.	Placita de t'mino Pasch' anno r. Regis Ricardi 9 .....	..	..	50	
	<b>John.</b>				
Mich. 1 John.	Placita de termino Sci Mich' anno r' R' Johannis 1 .....	20	2400	30	480
Pasc. } Trin. } 1 John.	Placita de termino Pasche & de termino Scē Trinitatis anno r' R' Johannis 1 .....	28	3360	40	672
Mich. 2 John.	Anno 2 Regis Johannis de t'mi'o Sci Michaelis .....	14	1680	25	336
Mich. 2 John.	Placita de termino Sci Michael' anno r' R' Johannis 2 .....	28	3360	30	672
2 John.	Anno 2 de diversis terminis ....	..	..	70	
Mich. 3 John.	Anno 3 Regis Johannis de termi'o Michaelis..... Assise.     *     *     *	17	2720	45	544
3 John.	Assise anno 3 Regis Johan'. As- sise capte apud Lanceneton Ro- tulus Cornubie .....	10	1400	30	280
Mich. 4 John.	Placita capta apud Bedford a die Sci Michis in tres septiman' coram Simone de Patishall, &c. anno regni Regis Johannis 4 ..	7	840	10	168

DATE.	TITLE OF THE ROLL, (with Remarks).	No. of Mem- branes in each Roll.	No. of Lines in each Roll.	No. of Folios printed.	No. of Folios in each Roll.
Mich. 4 John.	Rotulus de termino Sci Michis anno 4 regni Regis Johannis .....	7	840	10	168
Hil. 4 John.	Rotulus de termino Sci Hillarii anno 4 r' R' Johannis apud West- mon. ....	10	1400	20	280
Pasc. 4 John.	In 15 dies post Pasch' anno r' R' Johis 4 .....	12	1920	30	384
Trin. 4 John.	Placita & Assise capte apud Lin- coln in crastino Oct' Scē Trinit' coram Simon de Pateshall, &c. anno r' Regis Johannis 4 ....	10	1600	25	320
4 John.	Assise (& Placita Corone) anno 4 Regis Johannis Placita (Corone) capt' apud North- ton .....	15	1800	20	360
Trin. 5 John.	Termio Trinitat' anno 5 Regis Johannis .....		100 9 900	25	180
Trin. 5 John.	Trinit. 5 John. .... Not printed—much damaged and torn.	24	2880	..	572
5 John.	Anno 5 Regis Johannis Assise et Placita .....	6	720	8	144
5 John.	A similar Roll. A small portion of this Roll only is printed.				
Mich. 5 John.	Placita de termino Sci Michis anno r' R' Johannis 5 .....	15	2400	35	480
Mich. 5 John.	Placita Assise capt' apud Salop Not printed.	6	600	..	120
Hil. 6 John.	Hillarii anno 6 Regis Johannis ..	8	1280	8	256
Pasc. 7 John.	Placita capta coram dño Rege ad terminū Pasche anno r' R' Jo- hannis 7 .....	7	840	30	168
Trin. 7 John.	Placita apud Portemouth coram dño Rege in crastino Scē Trini- tat' anno 7 Regis Johannis ....	8	1120	30	224
Mich. 7 John.	Placita & Assise de termino Sci Mich' anno r' R' Johannis 7 .. Chiefly an Essoin Roll.	1	120	2	24

DATE.	TITLE OF THE ROLL, (with Remarks).	No. of Mem- branes in each Roll.	No. of Lines in each Roll.	No. of Folios printed.	No. of Folios in each Roll.
Hil. 7 John.	Placita in Octab' Sci Hillarii anno r' Johis 7 .....	3	480	13	96
Pasc. 7 & 8 Johis.	Placita in 15 dies post Pasch' annis 7 & 8 Regis Johannis ..	24	3840	60	768
Mich. 8 John.	Placita apud Westm' in Octab' Sci Michis anno r' R' Johis 8	23	3220	55	644
Hil. 8 John.	Placita in Octab' Sci Hillarii anno r' R' Johannis 8 .....	10	1200	15	240
Pasc. 9 John.	Placita termino Pasche anno 9 Regis Johannis .....	14	1680	17	336
Mich. 9 John.	Placita in Octab' Sci Mich' anno regni Regis Johannis 9 .....	13	1560	25	312
Mich. 9 John.	Another Roll of the same term and year, not printed .....	6	720	..	144
Pasc. 9 John.	Placita de termino Pasch' anno 9 Regis Johannis. Not printed..	15	2120	..	424
10 John.	Rotulus de Placitis & Assisis apud Norwich anno 10 Regis Johan- nis .....	11	1320	15	264
Hil. 10 John.	Placita apud Westmonaster' in Octab' Sci Hillar' .....	14	1680	30	336
10 John.	Placita apud Westm' in Octab' Sci Hillar'. Not printed. ....	8	960	..	192
10 John.	Placita apud Westm' anno 10 Jo- hannis. Not printed.....	5	320	..	64
10 John.	Placita Corone. Placita apud Hurteford. Placita Assise .... Essoins & Amercements. Not printed—in a bad state.	9	900	..	180
Mich. 10 John.	Essoin Roll.				
Pasc. 11 John.	De termino Pasche tempore Regis Johannis .....	15	2400	44	480
11 John.	Assise anno 11 Johannis .....	5	500	..	100
	Perhaps printed among Plac' in- cert' temp'				
Mich. 2 Hil. } 13 John.	Placita a die Sci Mich'is capta apud Westminster .....	22	3080	46 30	616



DATE.	TITLE OF THE ROLL, (with Remarks).	No. of Mem- branes in each Roll.	No. of Lines in each Roll.	No. of Folios printed.	No. of Folios in each Roll.
Trin. 14 John.	Trin. anno 14 Regis Johannis....	23	2300	77	460
Trin. 15 John.	Trin. anno 15 Johannis Placita in Crastino, &c. ....	22	2280	55	456
Mich. 15 John.	Placita de termino Sci Mich' anno 15 Johis .....	21	2520	54	504
16 } 17 } John.	Essoin Rolls only.				
	INCERTI TEMPORIS REGIS JOHANNIS.				
Incerti temporis Regis Johannis.	Placita Corone in Com' Linc' ...	8	1120	22	224
	A Roll indorsed, not known what time, supposed John. Not printed	4	320	..	64
Incerti temporis Regis Johannis.	Placita in Crastino Claus' Pasc' * anno regni R. Johannis ....	11	1320	88	264
Incerti temporis Johannis.	Roll indorsed " nescitur tempus incerti temporis Regis Johannis notatur cum signo Crucis" .....	6	480	..	96
Incerti temporis Regis Johannis.	Roll indorsed " incerti temporis Regis Johannis & Assise capte apud Lincoln" .....	9	900	44	180
Incerti temporis Regis Johannis.	Placita de Banco de termino Sci Mich'is de tempore Regis Jo- hannis .....	13	1700	..	340
	A few Extracts only printed.				
Incerti temporis Regis Johannis.	Placita de Assisis. Not printed.	12	1440	..	288
Incerti temporis Regis Johannis.	Placita coram Rege apud Glouc' de termi'o Sci Mich' tempor' Regis Johannis .....	6	600	..	120
	A few Extracts printed.				
Incerti temporis Regis Johannis.	Placita de Banco de diversis Co- mitatibus N. ....	14	1680	66	336
Incerti temporis Johannis.	Placita Corone capt' apud Lichf' Essoins, &c. ....	12	1440	15	288
Incerti temporis Johannis.	A Roll marked B. (no heading). A small part printed.	8	960	..	192
Incerti temporis.	De Banco marked G. ....	10	1220	..	244
	A small part printed.				
	De Banco temp' incert' capt' apud Scam Bridgam London .....	12			

DATE.	TITLE OF THE ROLL, (with Remarks).	No. of Mem- branes in each Roll.	No. of Lines in each Roll.	No. of Folios printed.	No. of Folios in each Roll.
	A Bundle containing six small Rolls indorsed "Fragmenta Recordorum incerti temporis Regis Johannis." A few Ex- tracts only are printed from these Rolls. (1)				
Fragmenta in- certi temporis Regis Johan- nis.	1 Roll (Essoin) . . . . . A.	9	900	..	180
	Fragmenta Rot' Regis Johannis B.	5	500	..	100
	Fragmenta Rot' . . . . . C.	6	600	..	120
	Fragmenta Rot' . . . . . D.	4	480	..	96
	Fragmenta Rot' . . . . . E.	7	980	..	196
	Fragmenta Rot' . . . . . F.	4	400	..	80
	<b>Henry III.</b>				
Mich. 3 beginning 4 Hen. III.	Placita apud Westmonaster' coram M. de Patishall et Soc' suis— containing pleading on the Great Assize, Dower, Quare Impedit, Charters, &c. many of the most important pleadings on this Roll are marked on the left with a line, and several actions appear to have been removed from the Iters by way of appeal . . . . .	26	4160	..	832
	<i>Note.</i> —Neither this nor the thir- teen following Rolls are printed in the Abbreviatio Placitorum; the first Roll from which any extracts are taken is the 8th Henry III.				
Mich. 4 Hen. III.	Placita apud Westm' Same as above . . . . .	19	3040	..	608
Trin. 4 Hen. III.	Placita in Octab' Sci Trin. De Banco . . . . .	31	4960	..	992
No date.	Assise de Com' Ebor' temp'e Hen. III. . . . .	4	640	..	128
Trin. 4 Hen. III.	Placita in Octab' Sci Trin. . . . .	17	2720	..	544
4 Hen. III.	Placita apud Westm' De Banco	24	2240	..	448
Mich. 4 Hen. III.	Placita in Octab' Sci Mich' . . . .	22	3080	..	616

(1) The above bundle of "Fragmenta Recordorum incerti temporis Regis Johannis," contains much valuable information, but from their having no heading it is impossible to ascertain their precise date, except it can be obtained from the context. It has been suggested that these Rolls should be printed at the beginning of King John's reign, as they most likely will be found to connect the two reigns of King Richard and King John.

DATE.	TITLE OF THE ROLL, (with Remarks).	No. of Mem- branes in each Roll.	No. of Lines in each Roll.	No. of Folios printed.	No. of Folios in each Roll.
Hil. 5 Hen. III.	Placita apud Westm' De Banco	47	6500	..	1380
Pasc. 5 Hen. III.	Placita capt' apud Westm' De Banco .....	15			
5 Hen. III.	Placita apud London' De Banco	22			
5 Hen. III.	Placita Assise. Placita Corone Com' Glouc' .....	19			
Trin. 6 Hen. III.	Placita De Banco .....	11			
7 Hen. III.	Placita De Banco .....	29			
Hil. 7 Hen. III.	Placita De Banco .....	18			
8 incip' } 9 } Hen. III.	Placita in Octab' Sci Mich' .... A small portion printed.	18	2520	5	504
Mich. 9 Hen. III.	Placita apud Westm' in Octab' Sci Mich' .....	33	4620	..	924
	Not printed. .				
Hil. 9 Hen. III.	Placita apud Westm' .....	14			
	Not printed.				
Trin. 9 Hen. III.	Placita in Octab' Scē Trin. ....	15			
	Not printed.				
9 & 10 Hen. III.	Placita apud Westmonastr' in Octab' Sci M. ....	24			
	Not printed.				
Hil. 10 Hen. III.	Placita in Octab' Sci Hillar' ....	19			
	Not printed.				
Pasc. 10 Hen. III.	Placita apud Westmonasterium in quinden Pasche .....	19			
	Not printed.				
Pasc. 10 Hen. III.	Placita de Assisis mortis ancessoris & nove disseisine apud Salop coram dño Rege de Comitab' Stafford & Salop. Printed. ..	5	600	30	100
11, 12, 13, 14, } Hen. III. }	In Octab' Sci Hillarii .....	26	4240		848
	Not printed.				
	Note.—Not any of the Rolls from 10 to 21 Hen. III. are printed, although there is a regular series consisting of fourteen Rolls.				
21 Hen. III.	Placita coram Rege apud Wynton	8	960	36	192
25 Hen. III.	Placita coram dño Rege apud Westm' .....	35	4900	211	980

Then follows a regular series of Rolls from the 25th to the 57th year of Henry III., consisting of 105 Rolls, small portions of some of which are abbreviated and printed in the *Abbreviatio Placitorum*, and some estimate of the very small portion so printed may be formed from the subjoined Analysis of Roll 27 Henry III.

ANALYSIS OF ROLL OF PLACITA ANNO 27 HENRY III. PRINTED  
ABBREVIATIO PLACITORUM, page 118.

PLACITA CORAM CONSILIO DOMINI REGIS, as printed in the ABBREVIATIO PLACITORUM, p. 118.		PLACITA CORAM CONSILIO DOMINI REGIS, as contained in the Original MS. Roll.	
John de Akeny summoned to show by what warrant he held the Manor of Bradewell. 1 line .....	}	.. The Judgment appears on the original Roll. Six lines.... }	1
William Bishop of Exeter was summoned by Quo Waranto he holds the Manor of Chi- denham &c.....	}	1½ On the original Roll are contained	8
Precept to the Sheriff to inquire what demesnes the King had in the Manor of Brampton &c. ....	}	1½ The original Roll contains long pleadings..... }	12
The remainder of the Roll is abbreviated into 43 printed Folios .....	}	43 The original Roll contains 24 Membranes, each Membrane 24 Folios, which would make a total of 576, from which should be deducted 4 Mem- branes for Essoins and the above 21 Folios, which will leave a total of 459 .....	459
Number of Folios printed in the Abbreviatio Placitorum .....	46	Number of Folios not printed in the Abbreviatio Placitorum....	434
			490 46

[It clearly appears from the foregoing analysis of the Ancient *Placita* during the reigns of Richard I. John, and Henry III. which has been recently made by the desire of the Record Board, that a small portion only of these Rolls was abstracted by Agarde; from whose work the *Abbre-*

*viatio Placitorum* was printed. It appears too "that in many instances Agarde has only made a note, or memorandum, of the subject pleaded, that he has seldom given the pleadings at length, and has altogether omitted many interesting and important subjects." It is observed, however, "that by far the greater portion of these Rolls may with propriety be omitted, many thousand folios consisting only of Essoins, Entries of Appearances by Attorneys, Summonses, Actions of Novel Disseisin (the ancient Action of Ejectment), and Pleadings in Criminal and other Matters totally uninteresting, except indeed to show the jurisdiction of the Ancient Court of *Aula Regis*, and from which the much litigated question amongst Antiquaries might possibly be ascertained, as to when this Court became divided, and when the Courts of Chancery, Exchequer, King's Bench, and Common Pleas, obtained a separate and distinct jurisdiction."

It has been suggested that "if it be the intention of the Record Board to print these early and valuable Rolls, the selection already made by Agarde should be printed at length from the Rolls themselves, in the same form as the original Roll, and in addition thereto any matter that may be considered by the transcriber as either important, or interesting, to the antiquary, lawyer, historian, or topographer, should be extracted."]

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*Ancient Placita—The Reasons and Causes of Judgments* pages 235—236. See *First Report from Select Committee on the Public Records*, pp. 46. 383, and *Grimaldi, Origines Genealogicæ*, p. 91.

*Ancient Placita Coronæ.* Pages 243—257.

[The following analysis of the quantity of matter contained in the early *Placita Coronæ* has lately been made by order of the Record Commissioners, with the view of ascertaining the expense of transcribing and printing the valuable portions of these Rolls.]

## [From Manuscript Collection.]

## ANALYSIS OF THE NO. OF FOLIOS CONTAINED ON THE PLACITA CORONÆ.

DATE.	COUNTY, with Title of the Roll.	No. of Mem- branes in each Roll.	No. of Lines in each Roll.	No. of Folios that should be printed.	No. of Folios in each Roll.
	BEDFORD.				
25 Hen. III.	Placita Corone coram Justic' Itiñantib <sup>a</sup>	28	3160	112	632
31 Hen. III.	Placita Corone.....	8	1120	112	224
4 Edw. I.	Placita Corone coram Justiciariis Itiñ	13	1820	224	364
15 Edw. I.	Placita Corone coram Justic', &c. . .	11	1540	224	308
4 Edw. III.	Placita Corone coram Justic', &c. . .	40	5600	448	800
	BUCKS.				
12 Hen. III.	Placita Corone coram Justic' Itiñantib <sup>a</sup>	19	1280	112	256
46 Hen. III.	Placita de Juratis et Assisis et Corone } coram Justiciariis Itiñantib <sup>a</sup> . . . . }	18	2520	112	504
56 Hen. III.	Placita de Juratis et Assis' & Corone	30	4800	112	960
14 Edw. I.	Placita Corone coram Justic' . . . . .	12	1680	224	336

There are also Rolls of *Placita Corone*, of the following dates, for the Counties hereafter mentioned, which are nearly of the same size as the above-mentioned Rolls for Bedford and Bucks, (10) and the Presentments contained on each are similar in their nature, varying only as they refer to the rights and privileges belonging to each Hundred, Town, or Place, in respect of which such presentments are made, viz.

DATE OF ROLL.	COUNTY.	DATE OF ROLL.	COUNTY.
12 Edw. I. . . . .	Berks.	40 Hen. III. . . . }	Westmorland.
45 Hen. III. . . . }	Cambridge.	7 & 8 Edw. I. . . }	
56 Hen. III. . . . }		20 Edw. I. . . . }	
27 Edw. I. . . . }	Cornwall.	53 Hen. III. . . . }	Derby.
5 Edw. I. . . . .		8 Edw. I. . . . .	
12 Edw. I. . . . .		39 Edw. III. . . . }	
30 Edw. I. . . . .		4 Edw. III. . . . .	Devon.
28 Edw. III. . . . }		22 Hen. III. . . . }	
6 Edw. I. . . . .	Cumberland.	28 Hen. III. . . . }	
20 Edw. I. . . . .		34 Hen. III. . . . }	
		9 Edw. I. . . . .	

(10) [Taking the average, the Rolls of corresponding dates for the other counties are nearly of the same size as those for the counties of Bedford and Buckingham. A Yorkshire Roll is larger: a Rutlandshire Roll is smaller.]

DATE OF ROLL.	COUNTY.	DATE OF ROLL.	COUNTY.
28 Hen. III. ....	Dorset.	11 Hen. III. ....	Kent.
8 Edw. I. ....		25 Hen. III. ....	
16 Edw. I. ....		39 Hen. III. ....	
Henry III. ....	Durham.	7 Edw. I. ....	
21 Edw. I. ....		21 Edw. I. ....	
John. ....		6 Edw. II. ....	
15 Hen. III. ....	Ebor.	31 Hen. III. ....	Lancaster.
Hen. III. ....		20 Edw. I. ....	
7 Edw. I. ....		7 Edw. II. ....	
21 Edw. I. ....		17 Edw. III. ....	
34 Edw. I. ....		28 Edw. III. ....	Leicester.
Edw. I. ....		31 Hen. III. ....	
2 Edw. II. ....	Essex.	44 Hen. III. ....	
9 Hen. III. ....		12 Edw. I. ....	
19 Hen. III. ....		34 Edw. I. ....	Lincoln.
38 & 39 Hen. III.		9 Edw. I. ....	
56 Hen. III. ....		33 Edw. I. ....	
13 Edw. I. ....		Edw. II. ....	
35 Edw. I. ....	Gloucester.	Edw. III. ....	London and Middlesex.
5 Hen. III. ....		19 Hen. III. ....	
32 Hen. III. ....		2 & 3 Edw. I. ....	
15 Edw. I. ....		22 Edw. I. ....	
17 Edw. II. ....	Hereford.	33 Edw. I. ....	
40 Hen. III. ....		14 Edw. II. ....	Norfolk.
20 Edw. I. ....		3 Edw. III. ....	
6 Edw. I. ....	Hertford.	34 Hen. III. ....	
15 Edw. I. ....		52 Hen. III. ....	
8 Edw. II. ....		14 Edw. I. ....	Huntingdon.
12 Hen. III. ....	Huntingdon.	34 Edw. I. ....	
45 Hen. III. ....			
56 Hen. III. ....			
14 Edw. I. ....			
Edw. II. ....			

And in the like proportion for the remaining Counties. (11)

The *Placita Corona* for each county vary in number, but upon an average amount to about six (12) for each, and the parts, which it may be considered ought to be printed, are the Presentments made by the jury under the heads hereinafter mentioned. From a calculation, formed upon an examination of the Rolls, these presentments furnish, one with another, about 1340 folios for each county.

(11) [That is to say, if the Rolls for the other counties were enumerated, the average number would be the same as when calculated upon the foregoing Rolls and counties.]

(12) [It is observable, however, that the Analysis does not yield so large an average.]

*Nature of the Presentments, made by the Jury to the Justices Itinerant, which appear upon the Rolls of Placita Coronæ.*

What Lands were ancient demesne of the Crown, by whom holden, and how alienated.

What Fees were holden of the Lord the King in chief, or *capite*.

By what Farms, or Rents, Hundreds, Wapentakes, Tithings, Cities, Boroughs, Towns, Manors, &c. are holden, and what and how many are in the King's, or other Persons' hands, with their value and extent, &c.

What Suits and Services for the same are due, and what have been subtracted from the chief Lord, or Hundred.

Claims to have Returns of Writs, and to hold Pleas and Courts, to have Wreck of the Sea and other Royal Liberties, as Gallows, Assize of Bread and Beer, Soc, Sac, Toll, &c. &c. &c.

Who have usurped Liberties and Franchises, and used them contrary to their Grants.

Who have appropriated to themselves the taking of Toll, or usurped Free Warren, Chaces, Parks, &c. without having a warrant for the same.

Also Presentments of all Purprestures, Nuisances, and Encroachments whatsoever.

Presentments:—of Bridges and Highways being out of Repair, and who are bound to Repair the same *ratione tenuræ*, &c.—of Appeals, Indictments, and Extortions—of Lands fallen into mortmain—of those who have sold Wine, Victuals, or Cloth, against the Assize, Statutes, &c.—of Tenancies in *Capite* and Knights' Fees—of Serjeanties—of Wardship, Marriage, Escheat, Heriots, Heirship, &c.—of taking excessive Toll, Usury, of using wrong Measures, and other offences against the Statutes—of taking sanctuary in Churches—of Presentations to Churches, and Rights of Advowson, &c.—of Charters pleaded, and allowed, or rejected—of Privileges belonging to Castles, Manors, Towns, &c.—of Waste committed in Parks, Woods, Warrens, &c.—of the Right of Fishery in Waters, Rivers, &c.—of Imprisonment, and suffering Escape for Bribes, with very many other Presentments respecting the Person, and concerning Property in general.

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*The Hundred Rolls, and Rolls of Quo Warranto.*

Pages 267—282.

[*From Manuscript Collection.*]

*The Hundred Rolls.*—The documents transcribed and printed in this work furnish a vast body of valuable information connected with the property and rights of the Crown, of corporations, and of individuals. They are



inquisitions made by juries in the several hundreds and towns of each county, impaneled by special commissioners, appointed to inquire into these subjects, in order to supply the King with evidence on the nature and extent of the royal demesnes, and of the various rights and properties of the Crown in the times of his predecessors, and whether any of these had been alienated, or usurped, and by whom. In affording evidence in questions connected with the rights and privileges of corporations, and of individuals, respecting franchises and liberties attached to real property, as holding courts, markets, and fairs, free warren, chase and fishery, taking tolls and other manorial rights, these documents are very frequently of great importance: indeed they form a general survey next in value to that of Domesday, and in showing the state and possession of property, as well as the situation of families, and in supplying general local information, they are of great practical utility, not only in matters of litigation, but to the antiquary, the topographer, and genealogist.

*The Quo Warranto Rolls.*—The preceding observations on the Hundred Rolls, as to contents, importance, and practical utility, apply also generally to these valuable Records; for the proceedings in *Quo Warranto*, in most cases, originated in the information derived from the proceedings under those commissions and the returns of the juries; and were instituted in order to ascertain and recover the property and rights of the Crown, by compelling the parties to show by what title, or authority, they held, or exercised, them.

*Pope Nicholas's Taxation.* Pages 283—285.

“ This Ecclesiastical Survey of the Benefices is a most important Record, because all the taxes, as well to our Kings as to the Popes, were regulated by it until the survey made in the 26th year of the reign of Henry VIII.; and because all the statutes of colleges in our universities, which were founded before the Reformation, are also regulated by this criterion, which exempts their benefices to

a certain value, from the restrictions in the statute concerning pluralities. The *Nonæ* Rolls refer to this survey. It may be proper to observe, that the taxation made in the reign of Henry III. in the pontificate of Pope Innocent the Fourth, which was denominated the Norwich Taxation (called the *Vetus Valor*) appeared to have been very partial and much below the real value, which occasioned this taxation (called the *Verus Valor*) to be made. Commissioners were appointed for that purpose, who returned the real value of all benefices, which raised the amount of the taxes, both to the State and to the Popes, very considerably. The Commissioners returned their valuation, or taxation, into the Exchequer, where it now remains, in the King's Remembrancer's Office, and is in two large volumes in folio, the one for the province of Canterbury, the other for that of York; from which a transcript was made and returned into Chancery, by virtue of the King's Writ under the Great Seal; directed to the Treasurer and Barons of the Exchequer, as appears by the title of the Record still remaining in the Tower: "Transcriptum Rotulorum de Scaccario, in quibus Ecclesiastica Beneficia infra Angliam et Walliam, continentur, per Breve Regis de Magno Sigillo directum de Thesaurario et Baronibus de eisdem, in Cancellario mittendum, estque inter Compota de anno vicesimo primo Edwardi Primi." A transcript of this taxation is in the library of Mr. Astle, made from the MS. in the Bodleian Library, No. 3595, 129, which was written in 1291, and formerly belonged to Sir Henry Spelman. Mr. Astle's copy was also collated with the original manuscript in September, 1722, and is certified by Mr. Ecton to agree therewith. This transcript has also been compared with another ancient copy in the Library of Corpus Christi College, Oxford; and with another in the Bodleian Library, No. 5,027, Vol. 86,4. It has also been collated with the Roll in the Tower, and contains several districts, more than are to be found in the Tower Records. *Er' Gr.* In the Deanery of Briseley, in the Archdeaconry of Norwich, it has the *Valor* of twenty-nine places more than the Tower Record, which

begins with Langham; whereas Mr. Astle's copy begins with Swanton. In the Tower Record, the Deaneries of Dunwich, South Lingham, and Orford, in the Archdeaconry of Suffolk, are wanting; but they are supplied in Mr. Astle's copy. viz.—In the Archdeaconry of Lincoln, the following deaneries are wanting in the Tower Record, which are in Mr. Astle's copy, viz.—Jerdeburgh, Grymesby, Luthesk, Lutheburgh, Candleshaw, Calsewath, Bolinbroke, Horncastle, Hill, Graftow, Langton Abby. In Yorkshire (p. 1. of Mr. Astle's copy,) the names of places are not exactly in the same order as in the Tower Record, but the valuations of the benefices are the same. In the MS. above referred to in the Bodleian Library (No. 5,027. 86,4.) are the taxations of several districts, wherein is contained the true value according to Pope Nicholas's Taxation, and the former value according to the Norwich *Valor*, a transcript of which is in Mr. Astle's copy (after page 398), which shows the difference between the former and the latter. It must be observed, that Mr. Astle's copy does not agree with the Record in the Exchequer, especially in the arrangement. There are also copies of Pope Nicholas's Taxation in the libraries of Lichfield and Lincoln Cathedrals, but it is not known how far they may be perfect; and there is another copy in the Cottonian Library, which was greatly damaged by the fire in the year 1731, which is worthy of attention, it being in many particulars more full than the Record in the Exchequer."—*First Report from Select Committee of the House of Commons on the Public Records*, pp. 505, 506.

*The Close Rolls. Pages 300—312.*

[The following Proposal has recently been made for the Publication of the Close Rolls preserved at the Tower.]

*[From Manuscript Collection.]*

IN offering a few suggestions on the important benefits, which the country would derive from a Publication of the Close Rolls, which afford such ample materials for the con-

sideration of the Lawyer, the Historian, and the Antiquary, it will be of course expected that some account be given of the nature of these Rolls, and the valuable and interesting information, which they contain. In doing this, it may not perhaps be deemed irrelevant briefly to advert to some of the speculations, which have been started with regard to the first introduction of the usage of making Entries, or Inrolments, of the general Transactions of the *Curia Regis*, on membranes of parchment, sewed together, end to end, and rolled up in the form of a pipe, or small column, in order to be preserved in proper Offices of Record. The King's Court, or *Curia Regis*, was the supreme Court of Judicature of this Kingdom; it was the centre and resort for all the Barons and great men of the Realm, who, being Peers of the King's Court, gave, as occasion required, their attendance there. Of this Court it has been said that the Court of Chancery formed a branch; it seems rather to have been the fountain from whence all the other Courts derived their authority: for out of the Court of Chancery went forth all original writs, and writs remedial, and all commissions, which passed under the Great Seal. With regard to the precise time when the usage of entering the Proceedings of this Court upon Rolls first obtained, considerable difference of opinion hath always existed among our antiquaries, and indeed at this distance of time it is difficult, if not impossible, accurately to ascertain the period of its commencement. Madox, in endeavouring to account for the origin of Chancery Inrolments, seems to think, that the Acts of Chancery at the latter end of the twelfth century being so interwoven with the Exchequer, and the business of both being principally pointed towards ascertaining and preserving the rights of the King, both these Courts were held together in the same place, the King's Court, and that the Chancellor affixed the Great Seal to all instruments promiscuously, whether of a Chancery, or Exchequer, nature; but as soon as the Chancery was separated from the Exchequer, and held in a different place, by reason of the great increase and variety of business, which flowed

to the Chancery, it became obvious that a more particular mode of recording the several Acts of that Court, which passed under the Great Seal, was necessary, and that this induced its officers then to begin to make distinct Rolls of the Chancery in a series of years, to wit, the Fine, Charter, Patent and Close Rolls. The advantages resulting from a method of preserving the memory of public accounts soon became so apparent, as in all probability to point out and introduce the usage of Inrolment in every branch of the *Curia Regis*.

Of all the Records of the Court of Chancery preserved in the Tower, there are none so important, and in the nature of their contents so various, as the early Close Rolls, commencing with the fifth year of the reign of King John: they may with justice be styled the Diaries, or Journals, of our Kings, whereon are daily recorded all the Royal Acts and Commands proceeding either verbally from the King to his Chancellor, who was his constant attendant and companion, or delivered to him by messengers especially deputed, under warrant of the Signet, or Privy Seal. From the circumstance of the Chancellor being continually with the King, and present on almost all occasions, of course by far the greater portion of the royal mandates came from the King direct, *per ipsum Regem*. And the Chancellor, immediately upon receipt thereof, caused Letters to that effect to issue out of his Court, either Close, or Patent, as the nature of the mandate might require. The entries upon these Rolls must consequently present the most correct manifestations of the character, disposition, and pursuits of the Monarch, his foreign and domestic policy, his amusements and his expenses of every kind; the various and sudden movements of the Court from town to town, and from one end of the kingdom to the other, are all here particularly recorded, all original writs and commissions are here inrolled, by which is shown the authority upon which the several Courts which composed the *Curia Regis* (now in this reign first separated and made distinct) proceeded. In fact, by means of these Records, we are en-

abled to obtain a clearer and more general knowledge of the laws and constitution of this country at these early periods, and a more correct and intimate acquaintance with the costumes, modes of living, manners and customs of our ancestors, the state of society and the feelings of the age, than can be derived from any other source whatsoever.

The following list of subjects, which are of continual and constant occurrence upon the Close Rolls, selected promiscuously from the Records themselves, will serve to convey some idea of the miscellaneous nature of their contents, and of the vast importance and value of the information, which they are calculated to afford in illustration of our history, laws and institutions.

Arts and Sciences.—Introduction and Progress of Trades and Manufactures; Pictures, Paintings, Costume, Robes and Dresses, Jewels, Coin, *Aurum Regine*, or Queen's Gold, Statutes, Books, Records in the Tower, Repairs of Bridges, Royal Parks and Forests, Crown Revenue, Royal Prerogatives, Deodands, Treasure Trove, *Donationes Regis*, Fines for Transgressions, Fishings, Charter of the Forest, Perambulations, Gold and Silver Mines, Homage, Fealty, Knights' Service, Aids and Marriages, Duels, Bail and Pardons, Laws, Politics, Chancellor of England, Deliveries of the Great Seal; Jurisdiction of the Courts of Chancery, King's Bench and Exchequer; Wardship of Minors, Custody of Idiots and Lunatics; Appointments of Justices of the Peace, Escheators and Coroners; Summons to Parliament, Parliamentary Writs, Expenses of Knights and Burgesses in Parliament, Privy Council, Liberties and Privileges, Fairs and Markets, Economy of the Royal Household, Royal Marriages, Kings' Messengers, Tournaments, Raising of Troops, Naval and Military Affairs, Protections, Truces, Royal Letters, Scutage, Talliage, Livery of Lands, Assignments of Dower, Ecclesiastical Affairs, Divorce, Prayers, Masses, Papal Bulls, Knights Hospitalers and Templars, Royal Presents to distinguished Individuals, &c. &c.

The number of Close Rolls in the reigns of King John

and King Henry III. is 86, whereof about 20 are duplicates, which 20 will only need verification with their corresponding Rolls, thus leaving only 66 to be transcribed. The Documents on these Rolls are very closely written on both sides of membranes about three quarters of a yard long, sewed together at top and bottom, making one continued Roll; the length of each Roll varies according to the number of entries upon it, some consisting of as many as 39 membranes, and others of as few as 15; and in like manner the entries differ in number on each membrane, varying according to the length of the Documents on them, from 50 to 70 on the *intus* of the membrane, and from about 30 to 40 on the *dorsum*.

The Appendix A. contains copies of the Documents as entered on the Roll of the 36th of Henry III., (one entire membrane of which has been transcribed,) in the same order as they occur. But it must be observed that *all* of those are not exact copies of the original mandates as issued from the Chancellor, but most are abbreviations, containing all that was then considered material, or important. The Chancellor's clerks at this period, either from the multiplicity of business had not time to enrol them at full, or from the scarcity and value of parchment were not allowed to waste it in copying unnecessary words and technical phrases. These are, however, abbreviations, similar to those, which it is proposed to make, of the Documents entered on the Rolls subsequent to the reign of Henry III., after which period the business of the Chancellor became less promiscuous and more settled and defined. It is therefore submitted, that the Close Rolls in the reigns of John and Henry be printed *verbatim*; after that period, they should only be digested or calendared after the manner of the *Abbreviatio Placitorum*, and similar to these entries now submitted, where the whole substance and import of the Documents are given in as few words as possible.

All those Documents which are printed in the *Fadera*, *Parliamentary Writs* and the *Appendix to the Report on the*

*Dignity of a Peer of the Realm*, should only be slightly noticed in their proper places, thus—

“De provisionibꝫ faciend's contra festum Coronationis Regis.”—Mem. 13. Vide *Fadera*, vol. i. part i. p. 509.

“Summonitio Consilij.”—Mem. 22, dors. “Summonitio Parliamenti.”—Mem. 3, dors. Vide App. *Report on the Dignity of a Peer*, p. 378.

“Quod nullus incedat ad arma in regno per quod pax possit perturbari, &c.”—Mem. 6, dors. Vide *Parliamentary Writs*, vol. i. part i. p. 18.

In the two first volumes of the new edition of the *Fadera*, there has been excluded from its pages an immense number of important Documents, which ought, unquestionably, to have been found there; all of which would of course be inserted in the proposed work, and this would in a great measure compensate for the existing defects of those volumes. (1)

## A.

*De damis capiendis.*(2)—Rex mittit usque Wudstock Huḡ Fraunceys & Ernauld Gifli ad capiend ibidem in forest' Regis extra parcum v. vel sex damas ad opus Regis Et Mand est Wiffo de Langel quod eos ad hoc admittat & eis ad eas capiendas consulans sit & auxilians. T. R. apud Reding. xxviiij die Octobr. anno &c. xxxvj<sup>o</sup>.

*De expensis Regis.*—Mand est Theſ & Camerar' suis qđ venire fač de Thesauro Regis usque Heyles die Dominica prox<sup>a</sup> post festum Omnium Scōꝝ in Garderobam Regis CCC & lxxv. marč ad expenſ Regis.

*De ornamentis Capelle Margeſ filie dñi Regis.*—Mand est E. Westm' quod cum festinatione querat omnia ornamenta capelle Margeſ fit Regis videſt unum par pelvium duas fiolas lib<sup>o</sup>s calice vestimenta tunicam dalmaticam duplicem casulam vidſt festivale & feriale & omnia alia ornamenta ad capſſam pertinencia provisurus quod omnia pđca

(1) [On this subject see Part II. Chap. XXII., Second and Third Supplemental Notes.]

(2) Mem. 32.



prompta sint & pata cum celeritate. Et R. cum sciſit cuſt' oīum p̄dcōz h̄re de libate ei fieri faciet. T. ut sup<sup>a</sup>. Ita quod libentur P. Chacepork Thric & deferenda cum alio hernes & usq; Eboz. Et & cum sciſit cuſt' ut sup<sup>a</sup>.

*Pro Priore de Merton.*—Quia constat & p inquisicōm carte Prioris de Merton qm̄ ptulit coram & qd idem Prior & hōies sui porcos suos h̄re debūt ad personā in forest' & de Wauberge quietos de pannaḡ Mand est Ballivis & de Wauberge qd si porcos suos sic quietos h̄re consuevnt tunc porcos illos quos hnt in forest' & de Wauberge eis h̄re fac quietos de pannaḡ et non distringant eos cont<sup>a</sup> tenorem p̄dce carte.

*Pro Ricardo de Rupellis.*—Quia Ricūs de Rupellis exigit a Rege lx. libr. de arreraḡ annui feodi sui xx. libr. quod & ei concessit p̄cipiendum ad sc<sup>a</sup>cm suum Mand est J. fit Galfri Justic Hybn' quod scrutatis rotulis sc<sup>a</sup>cii & Dublin vel alio modo inquirat si invenit dcās lx. libr eidem debi de eisdem p̄fato Ričo satisfieri fac. T. & apud Rading xxix. die Oct'.

*De vino dato.*—Mand est Ernald Gerodun qd de vinis & de prisā que sunt in custodia sua fac h̄re Egid de Erdinton unum bonum dolium vini de dono Regis.

*Pro Rob'to de Muscegros.*—Mand est Baroñ de Sc<sup>a</sup>cio sicut alias qd scrutatis rotlis Sc<sup>a</sup>cij & scire & faciāt que debita Robtus de Muscegros debz ad Sc<sup>a</sup>cm & ob q<sup>m</sup> causam Et de oībz debitis que & debz que non sunt at̄minata ad Sc<sup>a</sup>cm & pacem ei h̄re fac usque ad quindenam Pasch p̄ximo futuram. T. & apud Walingf<sup>o</sup> xxx. dei Oct'.

*Pro A. Winton electo.*—Quia datum est & intelligi qd A. Winton elcūs emi fecit ad opus suum vina Arnaldi Frere que sunt in duabz navibz quas Galfri Morin sviens suus venire fec London' Mand est Cameñ & London qd pmittant p̄dcm Galfri ducere vina p̄dca quo voluerit sine impedimento ad opus ipius elci salva & debita prisā vidett uno doleo vini ante malum & alio retro. T. & apud Oxon. xxxj. die Oct'.

*Willius de Glouc.*—Willus de Glouc capt<sup>o</sup> & detent<sup>o</sup> in

prisona Reĝ Oxoñ p morte Huĝ le Schipman unde apſtat<sup>9</sup> est hĭ litſas Viĉ Oxoñ qđ ponat<sup>9</sup> p baſtiu. T. & apud Oxon. xxxj. die Oct'.

*De vino dato.*—Mand est Custod Vinor<sup>9</sup> Reĝ de Rading qđ de vinis & que snt in custod sua ibidem ĥire faĉ Johi de Frethorn unum dolium vini de dono &. T. & apud Wudeſtokĉ ij. die Noſ.

*De parco de Freijmauntel.*—Mand est Johi de Cormaillos & Robto de Edmundestorþ qđ parcum & de Freitmantel ampliari & includi faĉ sicut melius cōmodo & vidint cōvenire. T. ut sup<sup>a</sup>.

*De maeremio capiēdo ad saltatorium de Wodeſtokĉ.*—Mand est Wiſſmo de Langel Baſtio for<sup>9</sup> & de Wicchewud qđ in forinseco bosco & de Wudeſtokĉ ex<sup>a</sup> pcū faĉ ĥire Johi de Haneberge & Petr de Legh maeremiū q<sup>a</sup>ntū necesse fūit ad unum saltatoriū faciēd in pco suo de Wodeſtokĉ p talliā inĭ ipos & ipm ſcām de numero quercuum. T. ut sup<sup>a</sup>.

*De quercubz datis.*—Mand est constabular<sup>9</sup> Sĉi Briavel qđ in forest & de Dene faĉ ĥere Abbati de Hayles xx. quercus ad maeremium ad dormitorium suū. T. & apud Bruer. iiij. die Novembr.

*Pecus de Homersh'.*—Captus & detentus in prisona & de Brug p transgressionē forest ĥit litſas Viĉ Staff<sup>o</sup> quod ponat<sup>r</sup> p balliū. T. ut s<sup>a</sup>.

*De roboribz datis.*—Mand est Wiſſo de Langel quod in forest Reĝ de Whichewode faĉ ĥire Abbati de Bruera tria bona roboria ad focum suum de dono &. T. ut s<sup>a</sup>.

*Pro Hominibz de Sumerton.*—Mand est custodi foreste de Selewud quia hōies de maſſio Regis de Sumerton distringi non consuevunt p expeditacione canum suoz ut dñt qđ ipos ppĭ hoc nō distringat donec A. & aliud habūit pceptum. T. ut sup<sup>a</sup>.

*De compoto Guidon fil Robi.*—Mand est Baroſ de Sc<sup>a</sup>cio qđ q<sup>a</sup>mcito poſunt recipiant compotum Gwidoñ fil Robi de tempe quo fuit Viĉ & Oxōn & Berkĉ & audito compoto illo & scire faciant si idem Gwido in aliquibz debitis & teneat<sup>r</sup> & eum p aliquo debit<sup>r</sup> non arestent set

eum 8to die ad R mittat p fine sup hoc cum R faciendo  
T. R apud Winchecumb vi die November.

*Pro Mercatoribz Florenc & Senen?*—Mand est Vicbz  
London qd corpa Oium Mercatoz Florenc & Senesi in  
Civitate Londoni arestatoz p usura cum eoꝝ bonis & catallis  
ppt hoc captis in manũ R delibari fac usq ad quindenam  
Pasch pximo futuram. T. ut sup<sup>a</sup>.

*Pro busca & carbone ad opus Reg?*—Mand est custodi  
fores? de Galtris qd in eadem foresta faciat hre Rič de  
Bocs buscam & carbonem R & ad opus familie R contra  
Natal Dñi scdm qd Stepñus Bauzan ei scire faciet. T. R  
apud Winchecumb. vi. die Novembr.

*De roboribz ad focum R.*—Mand est Johi de Hennebg  
& Petr? de Legh Ballivis R de Wudstokl qd de bosco de  
Cumh venire fac usq Wudestokl xvi. rohora ad focum R.  
T. ut sup<sup>a</sup>.

*De damis datis.*—Mand est custod fores? de Bernewood  
quod in eadm fores? hre Abbati Westm x. damas cont<sup>a</sup> fest?  
Bī Edwardi de dono R. T. ut s<sup>a</sup>.

*De vinis datis.*—Mand est Eduuard de Westm qd de  
vinis R apd Westm fac hre Abbati Westm iij<sup>a</sup> dolia vini  
de dono R con<sup>a</sup> fest? p'dcm. T. ut s<sup>a</sup>.

*De damis datis.*—Mand est Custodi foreste de Bradesf  
qd in pdca foresta fac hre F. Londoni Eþo sex damas de  
dono R. T. ut s<sup>a</sup>.

*De qrcubz ad opacones R.*—Mand est Johi de Venoiꝝ  
sesi fores? qd in pte R de Gillingham fac hre c<sup>o</sup>todibz  
opacōnum R de Gillingham x. querc<sup>o</sup> & x. querc<sup>o</sup> ex<sup>a</sup> pcū  
ubi vid'it qd sit ad min<sup>o</sup> nocumentum foreste R de Gilling-  
ham ad opacones R ibidem. T. ut s<sup>a</sup>.

*De opacōnibz R. de Gillingham Corf? & Shireburn.*—  
Mand est Elye de Rabyn qd bonam & diligentē curam  
capiat de opacōnibz R pficiendis tam apud Gillingham  
q<sup>a</sup>m in Castro R de Corf & de Shireburn sicut Henř  
de Erleg nup Vič fače consuevit capientes ab ipso Vič  
arreragia qī remanſunt in manibz suis ad opacōnes p'dcās  
pficiendas & qd vidāt in q<sup>o</sup> statu p'dcīs Vič dimisit castrum  
p'dcm & opacōnes R p'dcās & qd mittat in crastino Sēi

Martini usque Noting<sup>g</sup> p c. mar<sup>c</sup> q<sup>s</sup> recip<sup>o</sup> ibidem p man<sup>o</sup> Vi<sup>c</sup> & Nottingham ad opacōnes illas complendas cui & mandavit qđ illas ei libari fa<sup>c</sup>. T. ut sup<sup>a</sup>.

Et mand<sup>o</sup> est p<sup>d</sup>cō Hen<sup>r</sup> qđ p<sup>d</sup>cā arreragia ei libet cui & mandavit qđ curam cap<sup>o</sup> de opacōnibz sup<sup>a</sup>dcis. T. ut s<sup>a</sup>.

*Will's Juel.*—Captus & detent<sup>o</sup> in p<sup>s</sup>ona & Oxo<sup>n</sup> p morte Fulconis le Teynturer Galfr<sup>o</sup> de la Hull & Willm fil<sup>i</sup> ejus uñ rectatus est h<sup>t</sup> lit<sup>as</sup> Vi<sup>c</sup> Oxo<sup>n</sup> quod ponatur p balliūm. T. ut s<sup>a</sup>.

*De boscis assartandis in Wall'.*—Cum ad comodum & scit sicut & intellexit quod homines & de tribus Cantrediis assartare possunt boscos suos de licencia & & commodū suum inde fa<sup>c</sup>e Mand<sup>o</sup> est Alano la Zuche Justic<sup>o</sup> Cester<sup>o</sup> qđ eos hoc fa<sup>c</sup>e pmittens ip<sup>s</sup>os in eisdem libtatibz & consuetudinibz Wallensibz manuteneant quibz usi s<sup>u</sup>nt tempe quo se reddiderūt & & eosdem hoīes cont<sup>a</sup> formam pacis in<sup>t</sup> & & eos inte in n<sup>ro</sup> vexet. T. & apud Glouc<sup>o</sup> viij. die Novembr<sup>o</sup>.

*Pro Priore de Sandelford.*—& pdonavit Priori de Sandelford vindictam & am<sup>o</sup>ciamentum que ad & p<sup>u</sup>nēt p quadam redisseisina qm fec<sup>o</sup> Jo<sup>c</sup> de Brichull de tenemento in Frollebir<sup>o</sup> & sup quo idem Prior convictus fuit ut dici<sup>o</sup> Et Mand<sup>o</sup> est Vi<sup>c</sup> qđ p<sup>d</sup>cōm Priorem ocōne p<sup>d</sup>cā cap<sup>o</sup> & in p<sup>s</sup>ona n<sup>ra</sup> Winton<sup>o</sup> detentum a p<sup>s</sup>ona illa sine dilone delibet. T. ut sup<sup>a</sup>.

*Pro Galfrō Gacelin.*—Mand<sup>o</sup> est Mag<sup>ro</sup> S. de Wautton & G. de Segrave qđ ex quo cepit ass: no: diss: qm Prior de Bradenstok<sup>o</sup> ar<sup>o</sup> corā eo vsus Galfr<sup>o</sup> Gacelin de t<sup>er</sup>si in Burtun nō pcedat ad judiciū inde reddend<sup>o</sup> set recordum illius assise mittat & p<sup>u</sup>tibz etum diē p<sup>u</sup>figens qđ tūc sint coram & reccord<sup>o</sup> illud auditur & judiciū suum inde recepture. T. ut sup<sup>a</sup>.

*Pro Priore Hospital' Sc'i Joh'is Jer'lm in Angl'.*—& dedit respectum Priori Hospital' Sc'i Joh'is Jerlem in Angl<sup>o</sup> de oībz debet & demand<sup>o</sup> tam de essartis & expeditacione canū qm aliis ip<sup>m</sup> & hoīes gtingentibz usq<sup>ue</sup> ad quindenam Pasch<sup>o</sup> anno &c. xxxvj. Et Mand<sup>o</sup> est G. de Langel justic<sup>o</sup> forest<sup>o</sup> qđ p<sup>d</sup>cōm respec<sup>o</sup> ei h<sup>re</sup> pmittat. T. ut sup<sup>a</sup>.

*De respectu Milicie.*—Rex dedit respēm Johi filio Alani de se Milite faciendo usq; Pentecostem. Et mand est Viç Warr' & Leyc qđ ipm in tīm ppl hoc non distringat. T. R apud Glouc' x. die Novembr. Eodem modo Mand est Viç Norf Bukel & Sutht.

*De capa furrata data.*—Mand est J. de Somcote & Rogo Scissori qđ hre faciant Fortunato de Luca unam capam furratam de dono R. T. ut sup<sup>a</sup>.

*De licencia transfretandi.*—Mand est Ballivis Portus de Portesmuta qđ pegrinos & nuncios mcatores & alios pmitāt tñsfretare in portu suo priso tamē qđ W. de Valenc fr<sup>o</sup> R non tñsfretet. T. ut s<sup>a</sup>.

Eodem modo Mand est ballivis de Shorham.

*De vino dato.*—Mand est custodibz vinoz R de Wodestokel qđ de novis vinis R quē fuit in custodia sua ibidem fac hre Henr<sup>o</sup> de Wingham unū bonū doliū vini de dono R. T. ut sup<sup>a</sup>.

*De qrcubz ad opacones de Wudestok.*—Mand est Johi le Mazun qđ in bosco de Gunnildegrove fac hre Johi de Hennebge & Petr<sup>o</sup> de Legh custodibz opaconum R de Wudestokel xx. querc<sup>o</sup> ad easdem opacones inde faciendas. T. ut s<sup>a</sup>.

*De damis datis.*—Mand Custodi forest<sup>o</sup> de Panbregh qđ in eadem forest<sup>o</sup> fac hre Isabelle de Mortuo Mari vj. damas de dono R. T. ut s<sup>a</sup>.

*De damis datis.*—Mand est W. Luvel venatori R qđ de feris qs ad opus R in foresta Sci Briavelli cepit sn<sup>o</sup> dilone hre fac Petro Chaceporc tres damas de dono R. T. ut s<sup>a</sup>.

*De plibz emendis ad opus Margar<sup>ie</sup> filie R.*—Mand est P. Chaceporkel & Edward qđ compari faciāt cont<sup>a</sup> instantes nupcias ad op<sup>o</sup> M. p<sup>o</sup>mogeniti fil R quedam in cedula p<sup>o</sup>sentibz inclusa & alia que R eidem P. Chaceporkel oretenus injuxit. T. ut s<sup>a</sup>.

*Pro Rog<sup>o</sup> de Sifrewast.*—R concessit Rogo de Syffrewast qđ quamdiu fuit in svicio R custodiendo Com<sup>o</sup> R Sum<sup>o</sup> & Dors sub Elya de Rabayne nō ponat<sup>r</sup> in assisis jural<sup>o</sup> v<sup>l</sup> reco<sup>o</sup>g aliquibz Et Mand est Viç Suth<sup>o</sup> qđ ipm Rogm p idem temp<sup>o</sup> libtatem illam hre pmittat. T. ut s<sup>a</sup>.

Eodem modo Mand est Viſ Buk &c.

*De damis datis.*—Mand est G. de Langel justic' forest' qđ in foresta R. de Gillingham fac' h're Elye de Rabayn xiiij. damas & vj. damos minos & in foresta R. de Blakedun vij. damas & iij. damos minos de dono R. T. ut s<sup>a</sup> p ipm R. Et sciend est qđ mutatum fuit istud h're ita s. qđ hebit om's bestias p'dcas in fores' de Gilling & non alibi.

*De op'acōibz in Castro R. Bristol.*—Mand est ballivis R. Bristol quod tabelamentum magne Aule R. in Castr' Bristol qđ p ventum defiorat' sine dilone repari fac' repa-  
cōne qua indiget una cum aliis opacōibz R. ejusdem Cast' de quibz h're R. de compoto recepūt. T. ut s<sup>a</sup>.

*Pro Magro Hosp' Sc'i Joh'is ex Portam orientalem Oxon.*—R. Majori & ballivis suis Oxōn Saltm Quia Magr' Hospital' nři Sc'i Johis ext<sup>a</sup> portam orientalem Oxōn & homines ejusdem hospital' quieti sūt de theloniis & mura-  
giis p libtates quas idem Magr' h't p cartas p'decessor' nřor' Regum Angl & nrās vo's mandam<sup>9</sup> qđ nō distringatis p'dc'm Magr'm vl hoīes suos ad dandum theoloneū in villa nřa vl aliquid contribuend ad muraĝ ejusd vill. T. ut sup<sup>a</sup>.

*De assensu Maritagii.*—R. Fulcōi de Coudray Salm Bū placet nob qđ maritagiū in' filiū vřm p'mogenitum & filiam Eufici de Sacy pvisum pcedat & celebret' sñ impedimento nři vl nřor'. Et hoc tenore p'senciū vo's significam<sup>9</sup>. T. ut sup<sup>a</sup>.

*De damis datis.*—Mand est Custodi foreste de Wulmer' qđ in eadem foresta fac' h're Magro W. Archid Surr' duas damas de dono R. T. R. apud Glouē xij. die Noř.

*De quercubz datis.*—Mand est Custodi foreste de Dene qđ in eadem foresta fac' h're Abb'i Glouē x. querc<sup>9</sup> ad maeremiū de dono R. T. ut s<sup>a</sup>.

*De lauis datis.*—Mand est Constabular' R. Sc'i Briaveff in fores' de Dene fac' h're Sibille de Clifford duas Layas de dono R. T. ut s<sup>a</sup>.

*De quercubz ad op'acōnes Glouc.*—Mand est Custodi Foreste de Dene qđ in eadē foresta fac' h're custodibz opacōnum cast' Glouc xxx. querc<sup>9</sup> ad maeremium ad opa-

ſōnes illas faciendas. T. & apud Teukesbur' xiiij. die Novemb'.

*De ſuppeliis faciendis.*—Mand' est P. Chacepork qđ f'i faē xx. ſuppelicia ad capellam & ea venire faē usq. Eboꝝ cont' instans feſt' Nativitatis Dñice. T. ut sup'.

*De lais datis.*—Mand' est Constabular S̄ci Briaveſt qđ in foresta & de S̄co Briaveſt faē ĩre Mathiō Bezille duas bonas lajas de dono & salvo tamen num̄o de CC tam porcis qm lajis quos in eadem forest' ad opus &. & capi p̄cepit. T. ut s'.

*De lampredis cariandis.*—Mand' est ballivis Glouē qđ lampredas quas Math̄s Bezil constabular Cast' Glouē eis libari faē ad & p̄ciatim cariari faē Et carriag' illius cum & sciſit eis faciet allocari. T. ut sup'.

*De apro & laya datis.*—Mand' est Consta' de S̄co Briaveſt qđ in forest' de Dene faē ĩre Fulconi fil' Warini seniori unū aprum & unam layam de dono & salvo tamen num̄o de CC tam porcis q'm lais q's in eadem forest' & capi p̄cepit. T. ut sup'.

*Thomas le Teler.*—Capt' & detent' in p'sona & Oxoñ p morte Matild' Atteneline un' recta' est ĩt Irās Vič Oxoñ qđ ponat' p balliū. T. ut sup'.

*De damis datis.*—Mand' est Custod' fores' & de Bichuſt qđ in eadē forest' faē ĩre Bert'mo de Cryoſt v damas ex dono &. T. & apud Perso' xiiij. die Novembr'.

Mand' est Custod' for' de Selewod qđ in eadem for' faē ĩre Wiſto de Clare iiij. damas de dono &. T. ut s'.

*Pro Wrennoc le Champeneys.*—Mand' est Balliviſ & de Bristoſt qđ si Wrennoc' le Champeneys qui in p'sonat' erat apud Bristol p xxv. ſ. veſis monete quos cep' a quodam debitore suo una cum blanchir' ejusdem pecunie eis securitatem inveſſit respondendi de tñsgreſſione illa q'ndo & p̄cepit tunc cataſt' ſua hac occōne areſtata ei ſine diſone delibari faē. T. ut sup'.

*De coronatore eligendo.*—Mand' est Vič Wygorn qđ in pleno Com' & p aſſenſ' ejusd' Com' loco Mauric de Thorndon qui g'vi ut diceſ' laborat infirmitate eligi faē unū aliū coronatorem q' p'ſtito &c. T. ut sup'.

*Pro Emma que fuit ux Galfri Dispensator.* (3).—Mand est Godefr de Lyston Baffio vij. Hundr & qđ non distringat Emmam que fuit ux Galfri Dispensatoris vl hoies suos tenentes de dote ei assignata de tris que fuernt Johis de Sco Johie quondam viri sui in Swalwefeld & Seningfeld ad faciend sectam ad p'dict' hundr nra vl viis francipleq contra lib & acquietancias quas ei inde ad vitam ipius Emme p litas nras Patentes ccessiom<sup>o</sup> & quibz acten<sup>o</sup> usi snt. T. & apud Reding xxvii. die Oct'.

*Pro Joh'e de Sancto Amando.*—Johes de Sco Amando habet licenciam pegere pfiscendi ad ptes tnsmarinas & moram ibidem faciendi usq ad festum Scti Michis anno &c. xxxvi<sup>o</sup>.

*De op'acōnibz Westm.*—Quia & vellet qđ opacōnes ecclie Westm' mitum expedirentur Mand est Henr Magro pdcāz opacōnum qđ totum opus marmoreū qđ fi potit sine piclo in hac hyeme levare fac. T. & apud Wallingford xxx. die Oct'.

*De respectu Militie.*—Mand est Viē Salop qđ non distringat Rogm de Corbet ad arma militaria capienda quia & sup hoc dedit ei respectum usq ad fest' Scti Michis anno &c. xxxvj. T. & apud Wudestok primo die Novembr'.

Mand est Viēbz Linč & Bukl qđ non distringāt Walterum de Burgo ad se militem faciend donc a & aliud hūint mandatis.

*De respectu cujusdam loqle q' est inter Rogm le Gras & Willm de Poyl.*—Mand est Justiē de Banco qđ loquelam que est coram eis p p'cept' & inter Rogm le Gras petentem & Willm de Poyl deforē de arr' annui reddit<sup>o</sup> xx. s. ponēt in respect' in eod statu q' nunc est usq ad q'ndē Scti Martin'. T. & apud Wudestok ij. die Oct'.

*Pro Abbe Majoris Monastij.*—Quia constat & qđ abbas Majoris Monastij capt<sup>o</sup> est & incarcerat<sup>o</sup> Mand est Viē Devon qđ loquelā que est in Com' suo p bre & inter ipm Abbem & Amic Comitissam Devon de q'dā secta q'm ipa Com' exiget ab eod Abbe de manio suo Tolverton ponat in respect' usq pxm Com' suū p't Pasch. Et ipm Abbem

(3) In dorso M. 32.



non occonet n<sup>o</sup> g<sup>o</sup>vet p<sup>o</sup>l defaltas si q<sup>o</sup>s fe<sup>o</sup> in p<sup>o</sup>dca loquela Quia defaltas suas occone cap<sup>o</sup>ois R<sup>o</sup> ei warantiz ab hac vice. T. ut sup<sup>a</sup>.

*P<sup>o</sup> Rob<sup>o</sup>to le Lu & aliis subv<sup>o</sup>ditor<sup>o</sup> bosci R. in Com<sup>o</sup> North<sup>o</sup>t.*—R<sup>o</sup> concessit Rob<sup>o</sup>to le Leu Rob<sup>o</sup>to le Plumtu<sup>o</sup>n Willo de Musche & Step<sup>o</sup>nio de Stokes venditoribz subbos<sup>o</sup> R<sup>o</sup> in Com<sup>o</sup> North<sup>o</sup> q<sup>o</sup>d sint quieti de juratis re<sup>o</sup>c & ass: usq<sup>o</sup> ad Pur<sup>o</sup> be Ma<sup>o</sup> anno &c. xxxv. Et mand<sup>o</sup> est Vi<sup>o</sup>c North<sup>o</sup> q<sup>o</sup>d ip<sup>o</sup>s inde usq<sup>o</sup> ad p<sup>o</sup>d<sup>o</sup>cem t<sup>o</sup>minu<sup>o</sup> q<sup>o</sup>et<sup>o</sup>os esse p<sup>o</sup>mittat. T. ut s<sup>a</sup>.

*Pro Winton elco & hoibz suis.*—Mand<sup>o</sup> est Vi<sup>o</sup>c Berk<sup>o</sup> q<sup>o</sup>d non vexet vl vexari p<sup>o</sup>mittat A. Winton elc<sup>o</sup>m vl priorem S<sup>o</sup>ci Swithini Winton vl hoies eo<sup>o</sup>z in ba<sup>o</sup>lia sua cont<sup>a</sup> lib<sup>o</sup>tates suas iidem elc<sup>o</sup>s & prior h<sup>o</sup>nt p<sup>o</sup> cartas p<sup>o</sup>decesso<sup>o</sup>z n<sup>o</sup>ro<sup>o</sup>z Reg<sup>o</sup> Ang<sup>o</sup>l & confirma<sup>o</sup>c<sup>o</sup>m n<sup>o</sup>ram licet quibzdam lib<sup>o</sup>tatibz in p<sup>o</sup>d<sup>o</sup>cis cartis contentis usi non f<sup>o</sup>u<sup>o</sup>int T. R<sup>o</sup> apud Wudestok<sup>o</sup>l iij die Novembr<sup>o</sup>. Eodem m<sup>o</sup> mand<sup>o</sup> est Ad<sup>o</sup> de Graevu<sup>o</sup>ll custodi Forest<sup>o</sup> de Selewu<sup>o</sup>d.

*Heref<sup>o</sup>*—R<sup>o</sup> Waleraund cons<sup>o</sup>l est Justi<sup>o</sup>c ad ass: no: diss: cap<sup>o</sup> q<sup>o</sup>m Will<sup>o</sup>us de Hutemaigne arr<sup>o</sup> vsus Will<sup>o</sup>m de Everens Gregor<sup>o</sup> le Despen<sup>o</sup>s & Petr<sup>o</sup> le Clerc de te<sup>o</sup>n in Frumhemund. Et Mand<sup>o</sup> est Vi<sup>o</sup>c Heref.

*Pro Rad<sup>o</sup> de la Hele.*—R<sup>o</sup> Abbati & Conventui de Muchelneye Sal<sup>o</sup>m de eo q<sup>o</sup>d Rad<sup>o</sup>m de la Hele quondam svientem n<sup>o</sup>rm p<sup>o</sup> p<sup>o</sup>les annos ad instanciam n<sup>o</sup>ram exhibuistis g<sup>o</sup>tes vo<sup>o</sup>b refi<sup>o</sup>m copiosas Scientes q<sup>o</sup>d volum<sup>o</sup> q<sup>o</sup>d ult<sup>o</sup> Pasc<sup>o</sup>n p<sup>o</sup>xio ventur<sup>o</sup> ip<sup>o</sup>m exhibeatis set ex tunc p<sup>o</sup>videat put vidit<sup>o</sup> expedire. T. ut sup<sup>a</sup>.

*Pro Johe de Waren<sup>o</sup>.*—R<sup>o</sup> S. Karleof & R. de Turkelby & so<sup>o</sup>c suis justi<sup>o</sup>c itif<sup>o</sup>an<sup>o</sup>l in Com<sup>o</sup> Ebo<sup>o</sup>z Sal<sup>o</sup>m Mandam<sup>o</sup> vo<sup>o</sup>b p<sup>o</sup> om<sup>o</sup>s loquel motas coram vo<sup>o</sup>b p<sup>o</sup> p<sup>o</sup>cept<sup>o</sup> n<sup>o</sup>rm cont<sup>a</sup> Jo<sup>o</sup>hem de Waren<sup>o</sup> de die in diem p<sup>o</sup>rogetis usq<sup>o</sup> in xv. S<sup>o</sup>ci Marti<sup>o</sup>n p<sup>o</sup>ximo vent<sup>o</sup>am Ita t<sup>o</sup>n q<sup>o</sup>d om<sup>o</sup>s loquela que ip<sup>o</sup>m g<sup>o</sup>ting<sup>o</sup>nt in itif<sup>o</sup>e v<sup>o</sup>ro in com<sup>o</sup> p<sup>o</sup>d<sup>o</sup>c<sup>o</sup> t<sup>o</sup>minent<sup>o</sup> ante recessu<sup>o</sup> v<sup>o</sup>rm a p<sup>o</sup>tibz Ebo<sup>o</sup>z. T. ut s<sup>a</sup>.

*Pro Priore de Davintre de Advocac<sup>o</sup>e Medietatis Ecclie.*—R<sup>o</sup> Justi<sup>o</sup>c suis de Banco Sal<sup>o</sup>m Mandam<sup>o</sup> q<sup>o</sup>d loquelam que est coram vo<sup>o</sup>b p<sup>o</sup> bre n<sup>o</sup>rm in<sup>o</sup> Ro<sup>o</sup>gm Gulafr<sup>o</sup> petent<sup>o</sup>e &

Priorem de Davintr' deforē de advocacione medietatis ecclie de Nortun' cum recordo ejusdem loquela & omibz bñbz & adminiclis loquelā illam tangentibz venire fac corā nob a die Scī Hillar' in xv. dies ubicumq; tunc fūim⁹ in Angl in eodem statu in q° nunc est p̄sentes eundem diē ptibz qd tunc sint ibi p̄cessure in loquela illa scdm qd de jure fuit p̄cedend q; nolum⁹ qd loquel' illa coram vob̄ t̄minet' & mittatis ibi hoc bre. T. R. apud Winhecumb vij. die Novembr.

*Pro Abbate de Evesham.*—R. Baroñ de Sc'cio Salēm Quia concessim⁹ p cartam nram Abbī de Evesham qd ip̄e & successores sui respondeant ad Sc'cm nrm ap̄d Westm' p manū suā de oibz que Viē & hundredar' nri p̄cipe consuevnt in massiis ip̄ius Abbis vob̄ mandam⁹ qd p̄dc̄m Abbēm de omnibz p̄dc̄is ad p̄dc̄m Sc'cm nrm respondere faciat̄s allocantes abbī Winhecumb cui cōmīsam⁹ villam nram Winhecumb cum hundr' de Kitesgate Holeford & Gretestan ad firmam a tempe confeccois p̄dce carte nre qm̄diu p̄dc̄a Hundr' ad firmam de nob̄ tenebat̄ ea de quibz p̄dc̄m Abbēm de Evesham oñabitis p massiis que idem Abbas h̄t infra p̄dc̄ a hundr' que quidā de firma ip̄ius Abbis substrahi fecim⁹ p p̄dc̄am cōcessionē allocetis & eidē Abbi ea que Abbas Fiscamp p̄cepit sicut hundredar' in massiis ejusdem de Schireburn & Bladintuñ que sita s̄nt infra hundr' de Salmonebir' a tempe quo concessim⁹ eidem Abbati hundr' nrm p̄dc̄m Quia concessim⁹ Abbati Winhecumb qd eodem massio q'eta debent eē de Sectis Com' & Hundr' q' m̄diu p̄dc̄am firmā de nob̄ teneat. T. ut s'.

*De visoribz assignatis op'acōnes de Gillingh' Shireburn & Corf.*—Rad de Godmanneston Robtus de Wyk Robtus de Burtun & Riē Cresseben assignati s̄nt visores ad opacōnes R. de Gillingham.

Robtus de Lond Wifus Bevin Alan⁹ de la Wudebrug⁹ & Wifus de Kandel assignati s̄nt visores ad opacōnes R. de Shireburn.

Reginald de Lulleward, Willm de Cumbe, Wifus de Wulf & Riē de Barneviñ assignati s̄nt visor' ad opacōnes de Corf⁹ Et Mand est eis qd ad mand Elje de Rabayn ad hoc intendant.

*De respectu Militis.*—R. dedit respectū Robto de Sōo Claro de se milite faciendo usq in unū annū a festo Nat̃ Dñi anno &c. xxxvj. Et mand est Viē Sum̃s qđ ipm Robtū ppl̃ hoc nō distringat. T. ut sup<sup>a</sup>.

*P' Willo de Vescy & Agn' ux' ejus.*—Mand est Wale-ramo Teutonico qđ Wiltm de Vescy & Angn' ux' ejus manuteneant in seisina molendini sui de Carleun qđ devenit in ppartem ipius Angn' de hereditate que fuit Walſi Marescalli quondā Com' Penbrok' Et sic eisdem Wiltō & Angn' in auxil ad distringendū illos qui sectā debñt ad molend' pdc̃m ad sectam illam faciendā sicut eam face cōsuevnt tempe pdc̃i Com' que p Mereduc fit Griffini sub-tracta est ut dici? Ne ampl' &c. T. ut s<sup>a</sup>.

*De respectu mili?*—Ricūs de Tangland Constañ Heref hñt respectum de se milite fac usq ad festum Oīūm Sōoz anno & cxxxvij<sup>o</sup> & dirigun? Viē Salop &c.

*Pro Joh'e de Gerard.*—R. Justic̃ suis de Banco Saltm̃ Quia in transitu nro p ptes de Persoz invenim<sup>o</sup> Joñem Gerard mentis sue incompetem & Roeš fil Robti uxor Rob Gerard filij p'genti pfati Joñis petat coram nob vsus dcm Joñem tciam ptem tocius tenementi sui in Inteberg' ut dotē suā un pfat<sup>o</sup> Robs Gerard vir dce Roeš eam dotavit ut diē de assensu pfati Joñis patris sui & p q'sdam coram nob fuit testificatum eundem Joñem p xij. annos & amplius in demencia continua extitisse non potuit p se v<sup>o</sup> p attornatum corā nob compere ad respond eid Roeš de dote pdcā vos ppl̃ absenciā suā trā ad eo petitā capi fecistis i manū nrām & defaltā pponitis ut diē adjudicare ac si sane m̃tis esset & cscie: voš igit' mandam<sup>o</sup> qđ sup hoc ad defaltam nō pcedatis sz inq'sicōm inde fieri fac Et si sic ut pdc̃m est esse investitis a cognicōne pfate loqle penit<sup>o</sup> desistatis donc ej'dē Joñis stat<sup>o</sup> in melius mutel T. R. ap Persoz xiiij die No<sup>o</sup>.

*Hybñ.*—R. J. fil Galfri Justic̃ Hybñ Salt Cum sicut intellexim<sup>o</sup> Magn<sup>o</sup> fil Olavi Duf pponat s' pqrere q'sdam hoies de tra nra Hybñ ad invadendū trām dilci nob dñi Reg Norwağ in Insula de Manñ nos cmodo & honori ipius R. pspice cupientes voš mandam<sup>o</sup> firmi? injungendo

qđ nō pmittatis aliq's de pđcā ſrā Hyōn eandē ſrā egredi ad invadend' ſrā pſati Reg' vī aliq' molestiam ei vī ſuis infrend'. T. ut s<sup>a</sup>.

*Quod non fiant alienacōnes de ſris furiosi.*—Mand est Vič Eboꝝ qđ non pmittat aliquas cōmutacōnes seu alienacōnes fieri de ſris vī catallis Robti Geg in baſſia ſua ſi furioſus eſt ut diciť sꝝ uſ & libos ſuos in poſſeſſionem eazdem ſraꝝ & catalloꝝ tueal' & ipos eadē pacifice poſſidem fac. T. ut ſup<sup>a</sup>.

*De manerio de Corbrugg.*—Mand est Baronibꝝ de Sc<sup>c</sup>io qđ ſcrutatis rotulis Sc<sup>c</sup>ii & ſcire fač & utrum Rogus fil Johis tenuit manerium de Corebrig p ſviciū militare vī in ſocagiū. T. &c.

*P' Waltero de Barton.*—& concessit Waltero de Barton qđ pꝑť ſenectutem & debilitatem ſuam non fiat miles aliquo tempe vite ſue Et Mand est Vič Lanč qđ ipm Walrm ad arma capienda de celo non diſtingat. T. ut s<sup>a</sup>.

*Pro Guidone de Lezinan.*—& commiſit Guidon de Lezingſ custodiam ſre & heredis Radi de Vernun uſq; ad legitimam etatē heredum ipius Radi una cum maritagio eoꝝdē hered' Et Mand est Alano la Zuche Juſtič Cester qđ eidem Guidon de pđcā custodia plenam ſeiſinam ſre fač ſičť pđcēm eſt. T. & apud Shireburn vij. die Jan.

*Pro Samuel Bund' Jud'o.*—& Juſtič ad custodiam Judoꝝ assignatis Saltm Sciatis qđ Samuel Blundus Judūs optulit nob dimid' marcam auri ut de tallaꝝ trium milium & D. marcar' talliaretur ſcđm catalla ſua ſicut ceſi judi de cōmunitate Londoſ talliant' Et io voſ mandam<sup>o</sup> qđ ſi viditis hoc ēē ad cōmodū nřm ſic fieri faciatis. T. ut s<sup>a</sup>.

*Ballis Port' Dover.*—Mand est Baſſis Portus Dover qđ oīs qui volũint tñſfretare p portum ſuum libe tñſire pmittant tam m̄catores q̄m alios p̄lq̄m Wiſſm de Valenč frēm &. T. & apud Evesham xiiij die Noꝝ.

*Wilts.*—Mand est Vič Wiltes qđ ſñ dilone ſcire fač & cauſam qre ſre fecit Aaron fil Abrah judē ſeiſinā de maſſio Johis de Munem' de Langeford & q' waranto hoc fecit. T. ut s<sup>a</sup>.

*De Mereduc fil Griffini.*—& W. Landaveſ Epō Saltm

Quod Justic' nři de Banco noie nři pañnitati vře demandant inq'sicōem fac de legitimacone Mereduc fil Griffiñ ex nři conscia non emanavit cum alias noñ ad mandatum nři significastis ipm legitimū esse & de legitimo mřiō natu uñ non est ncēe qđ sup hoc iřatā fac inquisicōm. T. ut s<sup>a</sup>.

R Justic' de Banco Salt Cum in cuř nři corā voñ Resus fit Griffiñ Amañ & Nestam fil Jereword Alfoeñ peřeř vsus Mereduc fit Griffiñ unā caruē ĩre cū ptiñ ĩ Eddelegon & diñ car' ĩre cum ptiñ in Lebben' ut jus & ĩeditatem suā s̃ restitui & ps adřsa obiçet ei notā bastardie & hj<sup>o</sup> cognicōes ad fcm sp'tent eccl'sticū nos mandavim<sup>o</sup> ven: při W. Land' epō ut nos ĩtificaret de pmissis q' dilligēti fca sup hoc inquisicōe noñ resc'psit ipm M'educ nō esse bastardū set legitimū uñ si pđca excepto bastard ei iřato corā voñ obiciat' nolum<sup>o</sup> qđ ei obstat aliq<sup>o</sup> modo Quia sup hoc p pfatum Epm ĩtificati restituim<sup>o</sup> ipm tamq<sup>a</sup> legitimū ad ĩeditatē. T. ut s<sup>a</sup>.

P *Willō Sever de Bristol*.—R Bañis Bristol Saltm Quia Willm̃s Sever de Bristol visor opaconū cast' nři ejusdem viř freqn' agit ptibz ĩbñ ad negosciand' Ita qđ visui opaconum illar' nequit intendē siç intellexim<sup>o</sup> voñ mandam<sup>o</sup> qđ de voñ quendam aliū idoneū eligatis qui loco pđci Wiři opacoibz pđcis faciendis una cum aliis visoribz eadē opaconū fidelit' & diligen' intendat & nomē ejus scire fac. T. ut s<sup>a</sup>.

*De necessariis inveniendis ad panem R. faciend*. (4)—Mand est Bañis Eboř qđ pistori R quē R mittit usq; Eboř ad pvidenciam faciendam de pane contra instans festum Natal Dñi invenient frum̃tum & alia que necessaria sunt ad pđcm panem faciendū Et cum R scifit ĩtum custum R tē illud ei fac allocari. T. R apud Wigorn xvi. die Noř.

*De robis datis*.—Mand est P. Chacepork qđ iiij<sup>o</sup> militibz Gwydon de Lyzman fac ĩre q<sup>a</sup>tuor robas integras cum penul de minuto vario sicuti senescalli R. T. R apud Wigorn xvij. die Noř.

*De ponte de Tingewith*.—Mand est Viç Glouč qđ auxi-

lium dudum a R concessum ad repacōem pontis de Twigge-worth ex<sup>a</sup> Glouč p p̄bos & legaī hoīes de p̄tibz illis a singlis tñseuntibz cum m̄imoniis p eundem pontem capi fač sič fieri consuevit donec p̄dcūs pons rep̄l. T. ut sup<sup>a</sup>.

*De paup'ibz pascendis.*—Mand est W. de Hařhuř & E. de Weston qđ in festo b̄i Edwardi p̄ximo futuro pasci fač in magna aula R Westm' tot paupum quot in aula illa pasci pořunt. Et R cum sciřit custum h̄re de libate eis inde fieri fač. T. ut sup<sup>a</sup>.

*De Gladio emendo.*—Mand est Edwardo de Westm' qđ cum festinačōe pquirat quendam pulcrum gladiū & scauberg ej<sup>o</sup>dem de serico & pomellum de argento bene & ornatē coopiri & q<sup>a</sup>ndam pulcrā zonā eidem appendi fač. Ita qđ gladium illum s<sup>c</sup> f̄cm hāt apud Eboř de quo R A Regem Scoī Illustrem cinglo militari decorare possit in instanti festo Natiui<sup>o</sup> Dñiæ. T. ut sup<sup>a</sup>.

*De lecto ad opus Scoī.*—Mand est J. de Sumercoī & R scissori qđ sn' dilone fi' fač unum lectum preciosum Ita qđ illud decent' & ornatē f̄cm R hāt ap̄ Eboř ad dandum illud A Regi Scoī illustri in instanti festo Nativitatis Dñiæ. T. ut sup<sup>a</sup>.

*De calcaribz faciendis.*—Mand est Edward de Westm' qđ sn' dilone fieri fač unū par calcariū de argento & ea deaurari cum ligāntis de serico decent' & ornatē f̄cis Ita qđ calcaria illa sic f̄cā R hāt ap̄ Eboř ad opus A. Regē Scoī in instanti festo Nataī.

*Pro A. Rege Scoī.*—Mand est custodi forest' de Gautriz qđ cum A. Rex Scoī p forest' p̄dcām transiret ip̄m in eadem venari & deducōes suas h̄re pmittat. T. R &c.

*Pro A. Rege Scoī.*—Mand est Vič Northumbr qđ cum A. Rex Scoī veřit ad ptes Novi Castri sup Tinam in redeundo a R versus Scoī ip̄m in Castro R ibidem hospitari & exennia de duobz doliis vini & de carnibz vel piscibz & aliis ex pte R put honori suo vidit convenire ei fač. Et R cum sciřit c<sup>o</sup>tum illud ei faciet allocari. T. R apud Eboř xxx die Dec<sup>r</sup>.

*De robis ad opus Regis & Regine.*—Mand est J. de Sumercote & Rogo Scissori qđ de melioribz samittis quos

invenire possunt sine dilone fieri fac quatuor robas duas videlt ad opus R & duas ad opus Regine cum aurifraxis gemelatis & varii coloris & qd tunice sint de mollioribz samitis quam pallia & suptunice & qd pallia furrent de eremino & suptunice de minuto vario Ita qd Rex heat pdcas robas ornatę scās apud Eboꝝ ad hoc instans fest Nativit dnīe. T. R apud Burtun xxij die Nov.

*De robis ad opus R.*—Mand est J. de Sumercote & R Scissori qd p̄ illas duas quas R fieri p̄cepit ad opus suum fieri fac ad opus R tres robas de Queyntisis videlt unam robam de meliori samito violaōd quem invenire possunt cum tribz p̄vis leopardis in pte an̄iori & aliis tribz in pte posteriori Et duas de aliis melioribz pannis qui inveniri possunt Ita quod robas illas decen̄ & ornatę scās R p̄mptas hat apud Eboꝝ in festo Natal Dñi. T. ut sup̄.

*De coronatore eligendo.*—Mand est Viç Devon̄ qd in pleno Com̄ suo & p assensum ejusdem Com̄ loco Rogi Giffard quondam Coronatoris R qui mortuus est ut diciť eligi fac alium coronatorem qui p̄stito sacramenť.

*De salmonibz contra festum Natalis.*—Mand est Ballivis de Novo Castro sup Tynam quod non obstante mandato R alias eis derecto de xxx salmonibz Calewañ R mittendis apud Eboꝝ contra instans festum Natal Dñi venire fac usq; Eboꝝ CC. salmones Ita qd eos hat ibidem in festo pdco & hoc nullatenus omittať et R cum sciťit custum illud eis fac allocari. T. R apud Notingham vij. die Decembr̄.

*P' A. Rege Scol̄.*—Mand est Thom̄ de Stanford qd de omibz tris & tenementis que Aleñ quondam Rex Scol̄ tenuit de R in capite in Com̄ Cumberl̄ & que capta fũnt ī manum R occōne mortis ejusdem Reḡ A. Regi Scol̄ qui nunc est plenam seisinam h̄re fac. T. ut sup̄.

*De Escaetore substituto.*—R constituit Brianum de Brompton escaetorem suum in Comitatu Salop loco Wifmi de Ercalewe quondam escaetoris in Com̄ pdco quem p̄p̄t sui ip̄ius inpotenciam ab hujusmodi officio R reddidit absolutum. Et mand est eidem Briano quod officio illo de celo diligent̄ intendat p̄stito p̄us sac̄mento fidelitatis

corā Abbē de Psore escaetor R & Viē R Salop put moris est. T. R &c.

*De m'cuto & feria in man'io de Meleburn.*—Quia R vult quondam feriam singlis annis p tres dies duraturam videlt in Viē in die & in c<sup>o</sup>stino Sēi Mich & quoddam m'catum singlis septim<sup>o</sup> p diē Sabbati tēfi apud maffiū R de Meleburn. Mand est Viē Noting & Derb qd m'catum illud & feriam illam p totā balliam suam publice clamari & tēfi faē siē pdeū est. T. R &c.

Eodem modo mand est Viē Leyē.

*De constructōne Pontis de Hethbech.*—Mand est Justiē pximo itinantibz in Comitatu Noting qd de deodandis dividendis pvenientibz de eodem itinē faē hīre custodibz opaōnum pontis de Hethebech x marcē ad construcōem ejusdem pontis de dono R. T. R &c.

*De homine cariendo.*—Mand est Viē Northamp<sup>o</sup> qd unū Tunellum cere & quendam hoīem nup vulneratum in forest<sup>o</sup> de Selveston carari faē usq; Wudestok<sup>o</sup> & R cum sciūt custum illud ei faē alocari. T. &c.

*De coloribz ad depingend' Garderob' Regine.*—Mand est Raō de Dungun custodi liboz R qd Magro Wiffo Pictori R hīre faē colores ad depingendam pvam Garderobam Regine & emendandum picturam Magne Camere R & camē Regine. T. R &c.

*De empōibz faē in Nundinis Staunford.*—R mittit Johem de Sumercote & Rogerum Scissorem ad empōes R faciend in Nundinis Stanford sicut R eis injuxit. Et Mand est Baffis suis Stanford qd in omibz que ad empōes h<sup>o</sup> p<sup>o</sup>tinēt eis intendentes sint & respondentes cum eis fūnt requisiti. T. ut s<sup>a</sup>.

*De inquisicōe faē de morte ho'is.*—Mand est Viē Rotel qd p sacramentum pboz &c. de Com<sup>o</sup> suo p quos rei vītas &c. diligent<sup>er</sup> inquir<sup>o</sup> qui intēfēint quendam hoīem ignotum qui inventus fuit in aqua de Empingham. Et omēs illos p inquis illam culpabiles invehit p corpa sua attachiari & imprisona R salvo custodiri faē donec &c. T. R &c.

*De providencia contra.*—Mand est Viē Glouc qd omēs



apros & layas R salitas qui sunt in custodia sua ad Regem venire fač usq Westm cont<sup>a</sup> instans festum Pasch Et R cum scifit cust' &c. T. R apud Westm xvi. die Marč.

Eodem modo Mand est Vič Cantabr' qđ pvideat R in baſſia sua cont<sup>a</sup> instans festum Pasch de vj gruibz & xij cingnis & illos regi ħire fač in Vigil Pasch &c.

Eodem modo Mand est Vič Middelsex de CCC gallinis lx pullis vj capol & iij b'aconibz.

Eodem modo Mand est Vič Essex de CCC gallinis lx pullis vj capriol xii bobz xx multonibz & q<sup>a</sup> tuor mił ovoꝝ & iij braonibz.

Eodem modo Mand est Vič Surr & Sussex de DČ gallinis <sup>xx</sup>vj puſt xij capriol & vi braonibz.

Eodem modo Mand est Vič Kanč de CCC gallinis lx puſt vj capriol xx multonibz & iij braon'.

Mand est Ballivis Suthl' & captoribz vinoꝝ R ibidem qđ xvi dot vini que W. Saꝝ Eps venire fecit usq Suthl' a ptibz t<sup>a</sup>nsmarinis ad opus suum eidem Epo sine dilone ħire pmittat ducenda quo voluit.

Mand est Baſſis de Winchelsea qđ venire fač aꝑd Westm contra instans festum Pasch MM placiari<sup>9</sup> MMMM mlingor' xxiiij dor' C soles xl Cungr<sup>9</sup> friscos si inveniri poſunt & alium bonum piscem ad opus R. Et pđcm piscem venire fač sič pđcm est Ita qđ sit ibidem in Vig<sup>9</sup> festi pđci summo mane & hoc sicut se & sua diligunt nultatenus omittant Et custum quod ad hoc poſunt R in continenti illud reddi fač. T. R &c.

P<sup>r</sup> Will'o de Fortibz Com' Albemarl'.—Quia R Talliari fecit dominica sua p Angl Mand est Vič Eboꝝ qđ Wiffo de Fortibz Com' Albemarl fač ħire roñabile tallagiū de hominibz suis de eo tenentibz in maſſio de Poklinton quod aliqu' fuit dñicum R. T. R &c.

P<sup>r</sup> Will'o de Valenc'.—Mand est Vič Oxoñ qđ Baſſis Wiffi de Valenc' de Bampton ħire fač returna brium R salvis R placitis omibz eoꝝdem brium & omibz aliis ad R ptinentibz de eosdem ħribz. T. R &c.

*D' ponend' p' Ballium.*—Robtus le Mazun captus & deñtus in prisona & Wyorn' p morte Aluredi Pertrich' uñ rectat<sup>9</sup> est hit litras Vič Wygorn' qđ ponat' p ballium. T. & apud Reding xvi. die Juñ. Mem. 13.

*P' Jacobo fil' Flur' ju'do.*—Monstravit & Jacobz fil Flur' qđ Samuel fil Iaac de Norwič Abraham & Isaac nepotes ejus injuste & cont<sup>a</sup> cōsuetudinē Judaismi disseisiſunt eum de quadam plač in Londoñ q<sup>m</sup> idem Samuel ei p cartam suam dimiſat. Et Mand' est Eduuardo de Westm' Wiffo le Bretun' & Thome Espun qđ p xpianos & judoſ diligentē fač inquit & si eundem Jacobum injuste de placea illa inveniſt erectum tunc ipm cum justič sine dilone reseisi fač. T. & apud Winton xxi. die Juñ. Mem. 13.

*De virgis ad gurgitem R.*—Mand est Constaſ Sči Briaveſt qđ in foresta & de Dene fač here Vič Glouč virgas q<sup>ntum</sup> necesse fſit ad Gurgitem & & dimid' in aq<sup>a</sup> Sabine repandos q<sup>s</sup> constaſ & Glouč hit in custodia sua. T. & apud Clarendon v. die Jul. Mem. 11.

*P' Paulino Peyvre emptor' R & Joha uxore ejus.*—Quia tra q<sup>m</sup> dñs J. & pñ nř dedit Thome le Esquier pñ Joñe uxōris Magri Pauliſ emptoris & cuj<sup>9</sup> heres ipa est in Tydwell & Weston' q<sup>m</sup> tram dñs Paulino & Joñe & confirmavit p cartam suam fuit escaeta dñi tris & de Honore Peſeſt de Noting & nō de dñico corone &. Mand' est Thome de Stanford & Soč suis ad assidend' tallagiū in Combz de Noting & Derb qđ sup ipm Pauliſ vñ sup tenentes ipius Paulin' de tris pñcis nullum tallagiū assid' i fač & si quod assidiſit illud eisdem Paulino & hōibz suis penit<sup>9</sup> remittat. T. & apud Clarendon viij. die Julij. Mem. 11.

*P' W. de Ferr' Com' Derb'.*—& Vič Lanč Saltm Quia concessim<sup>9</sup> p cartam nram dilco & fideli nro Wiffo de Ferr' qđ ipe & hēdes sui hēant svientes suos ad pacem nram custodiendā inſ Ribbel & Merš sič Ranul quondam Com Cestr' cui pñcām tram dedim<sup>9</sup> & cuj<sup>9</sup> unus heredū ipe est eos hre consuevit tibi pñcipim<sup>9</sup> qđ pñcām Com in libtate illa manutenens distngas hoies illius patrie ad faciend' eisdem svientibz in vicutualibz & aliis ea que eis fače consueverūt

tempe Comitis Cester' p'dcī. Ita in hiis exegndis te gerens qd p descū cui ad nos inde querela non pveniat iterata. T. R. apud Clarendon ix. die Julij. Mem. 10.

P' A' Rege Scol'.—Mand est Thome de Muleton custodi Forest' de Englewode qd pmittat hoīes A. Reg' Scol' de Perenth, Scotteby, Langwatheby, Soureby, Salechild & Carlatun hīe husbote & heybote & cōmunā pasture & alias libtates in bosco de Soureby & alibi in p'dcā Forest' sibi aliquo impedimēto sic tempe Aleḡ p'ris p'dcī A. cuj' heres ipe est hīe cōsuevunt. T. R. apud Clarendon xij. die Julij. Mem. 10.

Pro Rado capello cānoico de Pencrez.—Quia R. accepit p Inquīs inde fcam quod dnice haye sue de Teddesleḡ Chystlyng Gaghley que sunt in forest' de Kanok' sunt in pochia libe capelle R. de Pencrich Et quia R. nō vult aliquas decimas dō debi' de p'dictis haiis detinere Mand est G. de Lange' Justic' foreste qd decimam pannaḡ & feni de eisdem haiis Rado capp'lo cānoico de Pencrich qui pcipit oīs decimas de aliis dnīs R. de Pencrich ptinentes ad p'bandam suam ejusdem capelle sine difficultate hīe fač. T. R. apud Merleberḡ xxij. die Julij. Mem. 9.

De tunica & dalmatica fač.—Mand est Eduuard de Westm' qd de panno quē R. ei tñsmittit & de alio panno albo listato quē penes se hīt fieri fač tunicam & dalmaticam latas & amplas cum aurifḡio lato sup spatulas & circa manucas. T. R. apud Merleḡge xxiiij. die Julij. Mem. 9.

De tunica & dalmatica linienda.—Mand est Eduuardo de Westm' qd sine dilone liniri fač de sindone viridi tunicam & dalmaticam quas ei nup R. injunxit faciend'. T. R. apud Merleḡge. Mem. 9.

De lris alienatis in Windes' & Veli Windes' cap' in manu Regis.—Mand est Constabular' de Windes' qd cap' in manū R. oīs lras & tenēm̃ta alienata a dnīs & villenaḡ R. in Windes' & Veli Windes' scdm qd continetur in inquīs quam nup inde fec' p p'ceptum R. & ea salvo custodiat don' aliud inde R. p'cepit. T. R. apud Merleḡge xxvi. die Jul. Mem. 9.

P' Willo delēto in priona de Windes'.—Cum juri sit dis-

sonum & inusitatum qđ quis in regno R Angl puniat' p aliquo delicto quod in tris alienis fecit Mand est Constabular' Cast' de Windes qđ Willm quē p quodam forisfco quod fec in Norm ut dicit' aristari fec & captum tenet sine dilone delibari fac pmittēs ipm licite abire quo voluit. T. R apđ Merleberge xxvij. die Jul. Mem. 8.

P' *Alic fil' Regin' le Soyre.*—R dedit Alic fil' Regis le Soyere unam vaccam & unum vitulum unum porcum & unum purcellum & omia alia catalla que sunt Henr' le Roter viri ipius Alic qui suspens fuit p lat'cinio. Et Mand est Vic Wilts qđ omia p'dca catalla capta in .man' & occone p'dca in quozcumq; manibz existant eidem Alic sine dilone h're fac. T. R apud Merleberge xxvij. die Julij.

P' *Jacobo fil' Flurye.*—Monstravit R Jacobz fil' Flurie qđ cum Samuel de Norwič & Abraham nepos ejus vendisset ei quoddam debitum p eoꝝ starr' scđm legem & consuetudinem judaismi R inquo quidem debito Petrus de Knevet eisdem Samueli & Abrah tenebat' iidem Samuel & Abrah convenđem in eos scām de debito p'dco non obsvavunt Et Mand est P'ho Luvel & Justic suis c'todiam judoꝝ assignat' qđ notatis coram eis p'dcis Samuel & Abraham eidem Jacobo in p'missis scđm legem & consuetudinē judaismi plenam & celerē justic fac exhibi. T. R apud ut s<sup>a</sup>. Mem. 8.

*De quibzdam dist'ngend' ad repacōem poncium.*—Rex Vic Berk Saltm Quia accepimus p inquisitionem quā fieri fecim' qđ Willm Prinke Willm de Gareford Elias de la Wese Johs Fulke & Willm Nort una cum quibzdam aliis pticipibz suis debūt repare quosdam Pontes in Bstia tua pp' quoz repaconis defcm Abbas de Abbendoñ nup fuit afficiatus tibi p'cipimus qđ distingas p'dcos Willm Willm Eliam Johem & Willm ad pticipiand' una cū p'dcis Abbe & pticipibz suis de afficiamento illo scđm porcōm ipos inde contingentē. T. R Wodestok ij. die Aug. Mem. 8.

D' *Joh'e Frome custodiend'.*—Mand est Vic Oxōn qđ Johem Frome captum p morte Prioris de Campania a Gilbto de Segrave recipiat & in p'sona R salvo c'tod' donec

Et aliud inde p̄cepit. T. Et apud Wodestok ij. die Auḡsti. Mem. 8.

*D' Galfr̄ de Wygeton capiēdo.*—Mand̄ est Viç Hereford qđ statim visis litt̄is istis cap' Galfr̄id de Wygethoñ elicum arch̄d Hereford & illum sub salva custod' carlari fac̄ usq; Windeſ libandum ibidem Constaß Cast' Et cui Et p̄cepit qđ illum recipiat & salvo custod' donec aliud inde Et p̄cepit et hoc caute fac̄ Et custum & cariagiū quod ad hoc & circa cariagiū Joh̄is de Frome usq; Wodstok possit cum illud sciſit ei fac̄ allocari. T. Et apud Wodestok iij. die Julij. Mem. 8.

*The Close Rolls. Page 305.*

[In a recent publication there are some miscellaneous Extracts from the Close Rolls of King John; to which the ensuing remarks are prefixed. "The following extracts from the Close Rolls of the reign of King John, chiefly of the 7th and 9th years, have been selected from a valuable collection, which has been obligingly communicated for the use of this work. Many of the articles contain information of some importance: others, it is presumed, will be found to comprise curious and amusing memorials of a very interesting period. An immense fund of materials exists among the Tower Records for the elucidation of the whole of that reign, which, notwithstanding the extensive and important collections of Prynne on the subject, are but imperfectly known to the public."—*Excerpta Historica: or Illustrations of English History.* Part IV. p. 393. December, 1830.]

*Carte—Catalogue des Rolles Gascons, Normans et François, conservés dans les Archives de la Tour de Londres.* Page 306.

"I have been informed, that Cardinal Fleury, at the latter end of his administration, either issued, or intended to issue, an *arrêt* very similar to this oppressive statute of *Quo warranto*. Upon the general alarm occasioned by this

design, the French inhabitants of those provinces, which formerly belonged to the crown of England, were furnished in several instances with evidence of their titles to franchises from our records."

" This alarm probably occasioned the publication of the *Rolles Gascoynes* by Carte, in the year 1743. This valuable collection of the *titles* of all the records in England, which relate to the French provinces, formerly under the English dominion, and chiefly Gascony, being calculated for the use of the French, is preceded by a Preface in that language. The titles only of these records make two folio volumes; it would certainly, however, be a work deserving the encouragement of both nations, and of all learned men throughout Europe, to print these instruments at length: the same may be said with regard to the records in the Bermingham Tower at Dublin, some of which go as far back as the reign of Edward the First."—*Barrington, Observations on the more Ancient Statutes*, pp. 109, 110. See also, *ante*, p. 303.

" Dr. Ducarel (the learned Keeper of the Lambeth Library) informs me," says Nichols, " That the authority of the records in the Tower, so far as relates to Normandy and other provinces in France formerly belonging to the English, have always, and to his knowledge within these last forty years, been admitted as evidence in the courts of judicature, where exemptions from the quartering of soldiers on their estates, or any other privileges formerly granted, have been received as evidence; the instruments being duly authenticated by the keeper of the records."—*Nichols, Anecdotes of Bowyer*, p. 202, 4to. edit.

[The King's Library contains an interleaved copy of Carte's Catalogue, with some manuscript notes.]

#### *Ancient Records of Ireland.* Page 312.

[The reader will find some notices of the ancient Irish Records in *Nicolson, The Irish Historical Library*, chapter vii.; and *Sir W. Betham, Dignities, Feudal and Parliamentary*, chapters x.—xiii.]

*Pipe Rolls. Pages 312—317.*

[A general Catalogue of the Great Rolls of the Pipe now preserved at Somerset House, has lately been formed by the desire of the Record Board. Of this Catalogue the following is a copy.]

*[From Manuscript Collection.]*

## A GENERAL CATALOGUE OF THE GREAT ROLLS OF THE PIPE.

Kings' Names.	Began to reign.	Reigned.			Observations.
	A. D.	Y.	M.	D.	
Stephen . .	1135	18	10	4	{ The Roll of the 5th year only in existence. The 1st, 8th, and 19th Rolls are missing.
Henry II. .	1154	34	8	11	
Richard I. .	1189	9	9	0	The Series is complete.
John . . .	1199	17	6	13	Ditto ditto.
Henry III. .	1216	56	0	28	The 1st Roll is missing.
Edward I. .	1272	34	7	21	The 5th Roll is missing.
Edward II. .	1307	19	6	18	The Series is complete.
Edward III..	1327	50	4	27	The 21st Roll is missing.
Richard II. .	1377	22	3	8	The 20th Roll is missing.
Henry IV. .	1399	13	5	20	The 2d and 7th Rolls are missing.
Henry V. .	1413	9	5	11	The Series is complete.
Henry VI. .	1422	38	6	4	Ditto ditto.
Edward IV..	1461	22	1	5	The 5th Roll is missing.
Edward V. .	1483	0	2	13	There is no Roll for this reign.
Richard III..	1483	2	2	0	The Series is complete.

[It is generally known that there are in the Tower two Pipe Rolls, duplicates of those in the Exchequer. The one, the 6th Richard I.; the other, the 7th John. (1) A solitary Record of this description is also preserved amongst the treasures of the Chapter House. It is a duplicate Roll for the 3d year of John. Besides the returns of the Rents, Issues, and Profits arising in each county, and forming the revenue of the Crown, it contains those that follow, viz.

(1) [Reports from Select Committee on the Public Records, p. 55; and Grimaldi, *Origines Genealogice*, p. 37.]

Returns of debts owing from the Jews—of Pleas of the Bishops' Courts—of Escheats—of *Oblata*, or voluntary Fines—of *Nova Oblata*, or known debts due to the Crown—of Pleas and Perquisites—of Amercements—of Fines and Scutages of Knights' Fees—of Acquittances and Discharges by Writ, &c.—of the first Scutage for King John—of the second Scutage—of the third Scutage—of the third Scutage for King Richard I.—of the first Scutage assessed at 2 marks—of Pleas of the Forest—of Fines paid by Barons for going out of the country, with a long list of their names, and fines paid for being absent—of Fee Farms, Knights' Fees, Wards, Marriages, Heirships, &c. &c. &c.]

*The Inquisitions Post Mortem (Rolls Chapel).* Page 337.

[The late Mr. Kipling, in his Return to the Order of the Select Committee of 1800, stated, that there are complete and correct Calendars, or Indexes, for each year, of the Names of persons, alphabetically arranged, upon whose death Inquisitions were found, with references to the bundles and numbers of the Inquisitions; which Calendars, or Indexes, were from time to time made as the bundles of Inquisitions were brought into the Chapel; but there are no Office Indexes, or Calendars, of Places. He also stated that he had, among Mr. Rooke's Collection of Manuscripts, Calendars, or Indexes, of Manors and Lands, alphabetically arranged, referring to the names of persons to whom liveries were granted of the estates of their ancestors, and containing the names of the ancestors, and the times at, or about, which they died, by which means many of the Inquisitions *post mortem* may be readily referred to by searching the Office Calendar under the names of those ancestors. In his further Return, Mr. Kipling recommended that all the Office Indexes to these Inquisitions should be printed for public use.—*First Report from the Select Committee of the House of Commons, upon the Public Records*, pp. 86. 95.]



*The Publication of the Early Wills.* Pages 338, 339.

[The ensuing extracts from two letters upon this subject, not long since addressed by an eminent antiquarian writer to a member of the House of Commons, give the most ample and correct account, that the Compiler is acquainted with, of the valuable miscellaneous information to be obtained from this species of document. The suggestions respecting the plan of the proposed publication will not be lost whenever the completion of more urgent duties shall enable the Record Board to continue the operation of printing on a more extensive scale than at present.]

## I.

" Few persons estimate more highly than I do the value of the service you have rendered to the public, and especially to the historical part of the public, by collecting sound information respecting the depositories of testamentary evidence, and the periods through which the series of the wills contained in them is extended. This is a valuable point gained. But, I believe, I shall only speak what are the feelings and wishes of all persons, who have ever had occasion to use this species of evidence for historical, or literary purposes, if I say that the benefits conferred on the historical literature of the country would be much enhanced, if these depositories could by any means be opened more freely for literary purposes; or what would be far better, and is more practicable, if the public could be made acquainted more particularly with what they contain through the press; that is, *whose* wills are to be found in them, and what is most curious, or important, in relation to matters of public, or general, interest in the wills themselves."

" There is a very fair and obvious objection to allowing offices, which contain documents, that may become of importance as evidence touching valuable rights, to be thrown more open than they are to even literary inquiry. But what strikes me as being quite practicable, and what would nearly answer the purpose as well, is that some one, or more, persons should be authorised to inspect these offices on behalf of the public, or, if you will, of the historical and literary part of the public; who should have free power to make transcripts, extracts, or abstracts, and whose duty it should be to remark every thing which, on a very wide construction of the expression, seemed to bear on the history, or on the literature (to use the most comprehensive term) of the nation. I do not mean that he should ask for the will of this, or that, particular person, but that he should read the whole series of wills consecutively, keeping constantly in view that it was his duty to remark every thing, which could illustrate the history of the English nation in any of its departments, and that the results

of such an examination should be given to the public upon the plan of the publications under the Record Commission."

"Of course, I do not contemplate what may be called the recent wills. There is an objection which instantly presents itself in respect to the printing notices of these, did not the greatness of the mass of recent wills render it almost hopeless to attempt to make them available for historical and literary purposes. I look only to the wills of the Plantagenet, Tudor and Stuart reigns. These, I think, judging by the Returns, (6) can hardly exceed from 800 to 1000 folios in all the depositories in the kingdom, which is very far from being a number that would not easily be found manageable in the hands of one, or two, skilful and zealous persons; nor do I see that any private feeling could be violated by any disclosures from the documents left by parties, who have not been in existence for the last hundred and fifty years. The work would be historical, literary, antiquarian: nor do I think that the person, who undertook it, ought to think himself discharged from the duty of accompanying the *Record* (for *Record* it would be) by such prefaces, notes, and other editorial matter, as would tend to make the work more useful to those, who should consult it."

"I have before expressed to you how strong is my persuasion of the importance of this particular species of evidence to the historical inquirer. There is scarcely any department of what is called the Antiquarian Literature of the country, that is, its exact and curious historical literature, which would not be greatly benefited by it:—Politics, Manners, Opinions, Language, Biography, the Arts, Topography, would all have a new and valuable light shed upon them; while it would be the creation of a new system of gentilital antiquities, a department of our national history, which is at present in a state of utter confusion, a confusion which is for ever affording opportunities for the advancing of unfounded claims to national honours. It will far exceed, I will venture to say, in use and value, any single work yet published by the Record Commission, with the exception of the *Federa*, if that were a work entirely new, and it would have this advantage over them, that its value would be perceived at once by that part of the public, who cannot so well estimate the value of many of the works already published under the Commission; for there are few persons in the reading, or the better, classes of society, who would not have occasion to resort to such a work for information wanted by them, and it might even be read by many as a work of interest and general curiosity."

"At present very little is known of what these depositories contain. From time to time a single will is published of some eminent person, and this is never done without showing in a particular instance the value of

(6) [*Returns respecting the Jurisdiction, Records, Emoluments, and Fees of Ecclesiastical Courts—Sessional Papers—House of Commons, 26th March, 1830.*]

this species of document. Some of our topographical and genealogical works contain notices of testamentary documents, and the value and importance of this particular species of document are always at once discerned. There is at Oxford a large collection of abstracts made by Dodsworth, in the time of Charles I., at the offices in London and at York, which are amongst the most valued parts of his labours; but with that single exception, I know not that there is to be found in the collections of any former antiquary, any large number of copies, or abstracts, of wills, so that the contents of these depositories may be said to be almost unknown. They are a mine known to be rich, but the particular course of the veins not understood. \* \* \* Indeed I can scarcely imagine a question, involving a point of genealogy, to which such a work as that, which I now contemplate, would not apply, and in which it would not very materially assist in guiding those, who had to pronounce upon it, to a sound decision."

"In reference to claims to dignities, there is one thing specially to be observed as showing the importance of this species of evidence. Wills are almost the only documents, which show the younger issue of our early peers. The Inquisitions seldom recognise the existence of more than the eldest son. But the claims generally advanced, are founded upon a real, or supposed, descent from some younger issue of a person known to be entitled to the dignity."

"In the lower department of our gentilitical antiquities, there is no moving a step without having recourse to wills: and when such an inquiry is instituted, it is a great point to know even what wills of the persons, who compose the line, or who are supposed to do so, may be found, and in what offices. Of this you have had yourself abundant illustration in your own inquiries. You have seen how useful this species of evidence is in establishing the statements of the Heralds made on their visitations, in extending the information they have preserved, and even in correcting it; while, in respect of families, who though fairly claiming to rank as gentry, did not record pedigrees at the visitations through obstinacy, dread of expense, absence from their county, or whatever cause, the wills are almost the sole depositories of sound information; without them, nothing that is really valuable in this department can ever be accomplished."

"No history of any distinguished person can be said to be complete, which does not contain his will. See, for instance, the will of Shakespear. It is by inferences from that document, that we get our soundest and best information respecting his personal history. Milton's will was only nuncupatory, and is very short; but if it had been a formal document, with how much interest it would have been read. Malone's Life of Dryden owes much of its curiosity and exactness to his having availed himself, more than any other writer, of this species of evidence, and every one, who reads the *Biographia Britannica*, feels the value of the few notes

scattered over its pages from wills consulted by Oldys. I lately saw a will (an unproved one) of Thomas Earl of Arundel, which abounded in curious notices of the arts and artists of his time. The wills of the actors of the time of Elizabeth and James, published from office copies by Malone and Chalmers, supply nearly one half of what we know of dramatic history at that interesting period. This, which may be truly regarded as compared with other departments, but an insignificant portion of our nation's history, is the only one, which has yet received its full illustration from this species of document, or rather, I should say, where an approach has been made to a full illustration; the success of an application to this source of information is most evident; and what is here done might, I am persuaded, be done with equal effect for any other department, the history of literature, art, navigation, commerce, manufactures, and the personal history of every one, who has established for himself a name, or who is entwined with the affections of the people to whom he belongs."

"I will mention, in relation to this point, a circumstance which occurred not long ago to \* \* \*. In the inquiries respecting the descendants of Sir Thomas More, with a view to obtaining something like the truth respecting them, there was found, at Doctor's Commons, the will of his grandson, Thomas More, made about the beginning of the reign of James I. It is a document of great importance in that inquiry, and it is in other points of view rich in curious matter. \* \* \* read it two or three times over, and brought away as much as he could in his memory, but had not the expense of the transcript been a consideration, he would certainly have gladly printed the whole, and his little volume on this subject would have been more complete."

"A pedigree of Caswell, which I found in a miscellaneous volume at the Museum, contained a marriage with a 'John Milton, of London, gent.' I hoped that this would have determined the unsettled question to what mother we owe one, who is so great an honour to the English name and nation. The natural resort was to the wills of the Caswells, two of which were consulted by one equally curious with myself in literary history, when we found sufficient evidence that it could not be the John Milton father to the poet."

"But the advantage of such a perusal of these documents as I now contemplate, as it would increase our store of materials for the history of every department of our national affairs, is not to be estimated by what would be gained from direct inquiry. It is possible, as things stand at present, to inquire for the will of any eminent person, and for the will of his friends, and copies may be obtained of them, if they are found. This can hardly be done by the curious inquirer, who cannot be expected to sacrifice his means, as well as his labour and his time, in a profitless pursuit; but even this would not lead him to the notices of the persons about whom he was inquiring, or of the department of national history, which he was intent upon illustrating, in unsuspected sources. There is

no life on which this species of evidence has been made more fully to bear than by Mr. Malone in the *Lives of Shakespear and Dryden*. He inquired for the will of almost every person, whom he knew to be connected with them; but we cannot doubt that there would remain notices of these persons in the wills of parties of whom Mr. Malone did not suspect that they were connected in any way with the great names before him."

"The wills of our early sovereigns, and of the members of their families, are already collected and published. The work which contains them is acknowledged by all to be one of great historical importance, and quite indispensable to the student in our early history. But the wills of persons next to the royal house have never been collected, and in point of fact but few of them have ever been printed:—those of the great statesmen, the bishops, the nobles, persons whose whole lives were spent in public affairs, and from whose wills may reasonably be expected either facts of importance in our public history, or illustrations of the mind, temper and feeling, of the parties themselves; and no doubt, descending to persons of less importance, but who have been brought into connection in any way with the public affairs of the country, there would not unfrequently be presented by these unexplored documents, some fact, which would combine in a serviceable manner with the information, which we already possess."

"In the history of the little feudal sovereignties, or of the ecclesiastical subdivisions of the kingdom, the benefit of this species of document is very great. I may refer, for the proof of this, to any topographical work in which this species of document has been used. Its value is quite as apparent as it is in our genealogical and biographical works. But I must not inflict upon you an interminable letter: nor need I, to one who is so well acquainted with these subjects, do more than say further, that most useful and agreeable information might be expected on the private manners of our nation, on the mode of thinking, especially on matters of religion, and on the changes which our language has undergone, by such a consecutive perusal of these documents as I have here ventured to recommend."

"If Government, or the members of any commission acting under it, should think this worthy a moment's consideration, the first difficulty, which would present itself, would probably be, that it would be an undertaking of too great magnitude. I suspect, however, that the magnitude would not be so overwhelming as at the first sight it might appear. It appears by the Returns, that there are very few offices which contain any wills of the Plantagenet reigns, and the whole number of wills of those reigns is, I fear, but small. I should think that two volumes, of the size and form of the *New Fadera*, (that is, of the *Parts of the New Fadera*,) would contain all that it would be expedient to publish for the Plantagenet and Tudor reigns, and that two volumes more would comprise all in the Stuart reigns. On this it is not possible to speak with any degree of precision, and perhaps three, rather than two volumes, ought to be assigned for the Stuart reigns."

"The contents would be—

"1. Entire copies of the wills of the more distinguished persons, or which contained matter of great public interest."

"2. Abstracts of wills of secondary interest, made upon the plan of those furnished from the will offices, but much more complete, containing, for instance, not merely the *names*, but in many instances the *things bequeathed*, such, indeed, as an antiquary makes for his own use of wills, which accidentally come before him."

"3. The full description of every other testator as given in the will, with the date, so as to form a complete chronological Index to every depository of wills in the kingdom; with extracts, where some single point was presented of public interest, and (perhaps) of lands bequeathed."

"Such appears to me what ought to be the plan: and I will say that it seems *practicable*. The work could not be done by deputies, or clerks; (except to transcribe,) but I make no doubt that there might be found, who would bring to the undertaking a mind furnished with the requisite acquaintance with what has already been done for the historical literature of England, and in general with a knowledge of what could be made of public utility in the document before him. My conviction of the importance and great utility of such a work, is the result of some little experience in the use of these documents, and I cannot express it more strongly than I feel it."

## II.

"There is one point on which I think more might be said than in my former letter, to show the public utility of such a general perusal of the testamentary evidence in the different offices, as I have ventured to recommend. Besides the vast utility of such a work to every person who was engaged in any genealogical investigation, it would form a most powerful check upon all unfounded pretensions to ancestral honours. This is not merely a question of the purity of the assembly of Peers; but it is really one of finance; for claims on ancestral dignities when successful, are usually followed by grants of pensions. It is therefore of importance to the country, even in that view; that there should be better means than are at present provided for meeting claims of this kind, and there are, perhaps, no means, which could be devised so important and so generally applicable, as the affording ready access to all the testamentary evidence bearing on the case."

"Whether to assist a legitimate claimant, or to meet with a prospect of success the claims of one, who has no right to the honours to which he aspires, such a work as I have suggested, in its copies and its abstracts, or even in its mere calendar of Names of Testators, would be of the greatest possible use:—both directly and indirectly:—directly, as showing what wills exist of the line, which must be proved; and indirectly, as showing Testators, who, though not of the line, may be presumed from any casual connection with the family, to have made any mention of

them. And, indeed, it is perhaps this *indirect* assistance, this suggestion of possible sources of important information, this opening of a new treasury of information, (for I believe I may truly say, that there is not an antiquary in the kingdom, who has any distinct idea of the information laid up in these offices, except that he knows how valuable to him are often found separate and single pieces of evidence collected from them, whence he infers the value of the rest,) which gives the peculiar character and value to researches in these offices, not only as respects the genealogical use, which may be made of these documents, but their use in all the various departments of historical inquiry noticed in my former letter."

"If the scheme of copies and abstracts of the more important, or curious, be thought too extensive, it is to be hoped that we shall at least have the names and descriptions of the Testators. But I am so impressed with the importance of doing more than this,—it seems to me that if any thing is to be done for the advancement of historical knowledge, that this is so much in advance of every other publication, which could be devised for attaining the end,—that I feel persuaded something of this kind will be done, either by the existing Ecclesiastical Commission, or by the Record Commission."

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*Records—Law of Evidence. Pages 340, 341.*

[This matter not long since engaged the attention of some members of the Board of Records; and the draught of a bill was prepared to give to certain authentic copies, written and printed, the validity and force of original Records. It may be useful to extract the material clause in this Bill, as the subject is one, the consideration of which must, for many reasons, be resumed at no very distant period.]

*[From Manuscript Collection.]*

"And be it further enacted, that it shall and may be lawful to and for the said Commissioners, or any three, or more, of them as aforesaid, to order and direct that authentic copies of such Public Records, or Muniments, as they shall think expedient, shall be made and deposited in the British Museum, or in such other public repository as they shall think fit; such copies to be certified as true and authentic by a Sub-commissioner appointed by the said Commissioners as aforesaid, who in his certificate shall state that such copies have been thrice compared, examined and collated by him with the original Record, which certificate

shall be countersigned by the said Commissioners, or any three, or more, of them. And that all such copies so deposited and certified, and countersigned as aforesaid, shall be of the same validity, force and effect as the original Record, and be adjudged, deemed and taken as an original Record, to all intents and purposes whatsoever; and that all exemplifications, constats, or copies, of such copies so certified and deposited, shall be received in evidence in the same manner as exemplifications, constats, or copies, of the original Record.

And be it further enacted, that all copies of Public Records certified to be true copies by the keeper, or other officer having the custody, of such Public Records, or his known deputy, or by any Sub-commissioner appointed in manner aforesaid, shall be received as sufficient evidence without further proof in all Courts of Law, or Equity, and in all proceedings before either House of Parliament, or any Committee of either House, or before his Majesty's most honourable Privy Council.

And be it further enacted, that all and every the several copies of Records and Muniments included in the books named in the Schedule (A.) hereto annexed, and heretofore printed by his Majesty's printer, under the direction of the Commissioners, or which shall be included in any books to be printed hereafter by his Majesty's printer, by the direction of the said Commissioners, or any three, or more, of them, shall also be received as evidence, without farther proof, in all Courts of Law, or Equity, and in all proceedings before either House of Parliament, or any Committee of either House, or before his Majesty's most Honourable Privy Council.

(A.)

The Statutes of the Realm, Vols. I. II. III. IV. V. VI. VII. VIII. IX.

The Parliamentary Writs and Writs of Military Summons, Vols I. II.

The Acts of the Parliaments of Scotland, Vols. II. III. IV. V. VI. VII. VIII. IX. X. XI.



Registrum Magni Sigilli.

Placita de quo Warranto temporibus Edw. I. II. III.

Rotuli Hundredorum temp. Hen. III. & Edw. I. Vols. I. II.

Testa de Nevill, sive Liber Feodorum.

Taxatio Ecclesiastica Angliæ & Walliæ Auctoritate Nicholai IV.

Rotuli Scotiæ, Vols. I. II.

Valor Ecclesiasticus temp. Hen. VIII. Vols. I. II. III. IV. V.

Nonarum Inquisitiones.

Libri Censualis vocati Domesday Book Additamenta.

(The above list does not contain all the works published by the Commissioners, but those, which are excluded ought not to be received as evidence, for various reasons which need not be here detailed. The Domesday published by the House of Lords ought perhaps to be added to the list.)

*Indexes to Records*, page 346. (See also pages 15. 305. 306, 318, and the notice of Martin's Index to the Memoranda in a subsequent page of this compilation).

[It is believed that all the printed Indexes to our English Records are mentioned in the course of the present work, with the exception of two works mentioned in the Introduction to *Ayloff's Calendars of Ancient Charters* (p. xlv.), under the titles of *Fabian Philipps's List of the Publick Records of the Kingdom*, and *Sir Julius Cesar's Account of the Records of the Court of Requests*. Of the first there is no copy in any library to which the compiler has access. The correct title of the last is, *The Ancient State, Authorities, and Proceedings of the Court of Requests*. (Octob. 1596.) [Anno 1597, pp. 162.] There is a copy in the Hargrave Collection in the Museum, which wants the title-page and the table of contents. The latter fills five leaves. In the margin of the first page there is the following note in the handwriting of Mr. Hargrave:—"Bought at late sale of Mr. Serjeant Hill's library. I paid 5 shillings for it, though it is without a title-page. It possibly was printed with no

“ other title than what is in this first page at the top. In page 148 it stops with 27 Eliz. The remaining 24 pages are chiefly occupied with copies of instruments.—F. H. 20 July, 1808.” The title at the top of the page to which Mr. Hargrave alludes is, “ *Actes, Orders, and Decrees made by the King and his Counsell, remaining amongst the Records of the Court, now commonly called the Court of Requests.*” These *Actes, Orders, and Decrees* begin the 9th Henry VII., and end the 27th Elizabeth. It is remarkable that Mr. Lodge, in his *Life of Sir Julius Caesar*, should not notice this little work.

That many valuable Records enumerated in the printed Indexes cannot now be discovered in the depositories in which they formerly existed, is well known to persons but slightly acquainted with Record Offices: and it has been ascertained that many of these have disappeared within living memory: indeed, there are not wanting recent instances of some having been openly sold as the private effects of functionaries sworn, in vain, to preserve them for the public use. This loss of documents, occasioned partly by neglect and partly by depredation, would appear immeasurably greater, were the present contents of the offices compared with the numerous manuscript Calendars, which we owe to the laudable, but rarely imitated, zeal and industry of ancient keepers, their deputies and clerks.

There is some reason to believe that in very early times it was usual to deliver to the Keeper, or Master, of the Rolls, upon his appointment to office, an inventory of the Records confided to his care; a practice admirably adapted to prevent their loss, or embezzlement; and amongst the Records at the Tower there is still to be found a deed made between two Masters of the Rolls in the time of King Richard II. (William de Burstall and the famous John de Waltham,) that contains an inventory of this kind. Of this instrument the Compiler possesses a literal translation; a copy of which is subjoined for the use of the antiquarian reader.]

## [From Manuscript Collection.]

*Indenture between William de Burstall and John de Waltham, of the Custody of the Rolls of Chancery of the Lord the King, made on the ninth Day of September, in the fifth Year of the Reign of King Richard the Second, preserved in the Tower of London.*

This Indenture, made between William de Burstall, Clerk, late Keeper of the Rolls of the Chancery of the Lord the King, and John de Waltham, now Keeper of the aforesaid Rolls, witnesseth, that the aforesaid William, by virtue of a certain Writ of the same Lord the King to the same William directed, did deliver to the aforesaid John the office aforesaid, and the Rolls, Memoranda, and other evidences under-written, touching the said office, that is to say, seventy-five Rolls in two bags of the time of King John. Item, forty-eight Rolls of Charters of the time of King Henry the Third, with a certain Roll of lands given, viz. from the eleventh unto the fifty-sixth year, and of the same, except the twenty-seventh and thirty-eighth years, of every year one Roll; and of the thirteenth, thirty-ninth, forty-sixth, and fiftieth years, of every year two Rolls. Item, seventy-five Rolls of Patents of the same King Henry, with a certain Roll of Quinzeme, viz. of the first year one Roll, of the second year and thenceforwards to the eleventh year, and of the same, for every year two Rolls; of the twelfth and thirteenth years, of every (year) one Roll; of the fourteenth year two Rolls; of the fifteenth year and thenceforwards unto the twenty-second year, and of the same, of every one one Roll; of the twenty-fifth, one Roll; of the twenty-sixth, two Rolls; of the twenty-seventh and thenceforwards to the thirty-seventh, and of the same, of every one one Roll; of the thirty-eighth, four Rolls; of the thirty-ninth and thenceforwards unto the forty-third, and of the same, of every one one Roll; of the forty-fourth, three Rolls; of the forty-fifth and forty-sixth, of each one Roll; of the forty-seventh and forty-eighth, of each two Rolls; and one Roll which contains the forty-sixth, forty-seventh, and forty-eighth; of the year forty-nine and thenceforwards to the fifty-seventh year, and of the same, of every year one Roll. Item, sixty-four Rolls of Fines of the same King Henry, to wit, of the first year one Roll, of the second year two Rolls, of the third year one Roll, of the fourth, fifth, sixth and seventh, of every one, two Rolls; of the eighth year, three Rolls; of the ninth, tenth, and eleventh years, of every one two Rolls; of the twelfth and thenceforwards unto the twentieth year, and of the same, of every one one Roll; of the twenty-third year, one Roll; of the twenty-fifth year, one Roll; of the twenty-sixth year, two Rolls; of the twenty-seventh year, and thenceforwards unto the fifty-sixth year, and of the same, of every one, one Roll. Item, seventy-one Close Rolls of the same King Henry, viz. from the first year unto the sixth year, and of the same, of every one, two Rolls; of the seventh year, three Rolls; of the eighth and ninth years, of each two Rolls; of the tenth year and thenceforwards unto

the eighteenth year, and of the same, of every one, one Roll; of the nineteenth year, two Rolls; of the twentieth, twenty-first and twenty-second years, of every one, one Roll; of the twenty-fourth and twenty-fifth years, of every one, one Roll; of the twenty-sixth year, two Rolls; of the twenty-seventh year, one Roll; of the twenty-eighth year, two Rolls; of the twenty-ninth year, and thenceforwards unto the thirty-eighth year, and of the same, of every year one Roll; of the thirty-ninth year, three Rolls; of the fortieth, forty-first, forty-second, and forty-third years, of every year one Roll; of the forty-fourth year, two Rolls; of the forty-fifth year, and thenceforwards unto the fifty-sixth year, and of the same, of every one, one Roll; and two Rolls which contain more Rolls of the fifty-seventh year. Item, forty-five Rolls of Liberate of the same King Henry. Item, sixteen bundles of Escheats of the same King Henry, and five bags with divers Memoranda of the same King Henry. Item, thirty-four Rolls of Charters of the time of King Edward, son of King Henry, with a certain Roll of Judaism, viz. from the second to the thirty-fifth year, and of the same, except the sixteenth year, of every year, one Roll, and of the fourteenth year, two Rolls. Item, thirty-seven Rolls of Patents of the same King Edward, viz. from the first year unto the thirty-fifth year, and of the same, of every year one Roll; and of the twenty-fifth and thirty-third, of every year two Rolls. Item, thirty-five Rolls of Fines of the same King Edward, viz. from the first year unto the thirty-fifth year, and of the same, of every year one Roll. Item, thirty-five Close Rolls of the same King Edward, viz. from the first year to the thirty-fifth year, and of the same, of every year one Roll. Item, thirty-five Rolls of Liberate, eighteen Vascon Rolls, and fifty-six Rolls of Wales, Reddisseisina, Protections, Pardons, and other things of the same King Edward. Item, seventy-five bundles of Escheats of the same King Edward, viz. of the first year, one bundle; of the second year, two bundles; of the third, fourth, fifth, sixth, and seventh years, of every one, one bundle; of the eighth year, two bundles; of the tenth year, one bundle; of the eleventh year, two bundles; of the twelfth, and thenceforwards unto the nineteenth year, and of the same, of every year one bundle; of the twentieth year, two bundles; of the twenty-first year, two bundles; of the twenty-second year, three bundles; of the twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth years, of every one, two bundles; of the twenty-seventh year, five bundles; of the twenty-eighth year, two bundles; of the twenty-ninth year, six bundles; of the thirtieth, thirty-first, and thirty-second years, of every one, four bundles; of the thirty-third year, six bundles; of the thirty-fourth year, four bundles; of the thirty-fifth year, four bundles. Item, six bags with divers Memoranda of the same King Edward. Item, twenty Rolls of Charters of the time of King Edward, son of King Edward, viz. from the first year unto the twentieth year, and of the same, of every year one Roll. Item, thirty-seven Patent Rolls of the same King Edward, son of King Edward, viz. from the first year to the

twentieth year, and of the same, of every year two Rolls; except that of the third, thirteenth, and twentieth years there is of every year one Roll only. Item, twenty Fine Rolls of the same King Edward, viz. from the first year unto the twentieth year, and of the same, of every year one Roll. Item, twenty Close Rolls of the same King Edward, son of King Edward, from the first to the twentieth year, and of the same, of every year one Roll. Item, fifty Rolls of Vascony, Scotland, Reddisseisins, Liberate, and other things. Item, twenty-nine bundles of Escheats of the same King Edward, son of King Edward, viz. of the first year, two bundles; of the second year, two bundles; of the third year, three bundles; of the fourth year, one bundle; of the fifth year, two bundles; of the sixth year, two bundles; of the seventh year, two bundles; of the eighth year, two bundles; of the ninth year, one bundle; of the tenth year, two bundles; of the eleventh year, and thenceforwards unto the twentieth year, and of the same, of every year one bundle. Item, thirty-nine bundles of Inquisitions of the same King Edward, son of King Edward. Item, thirty-seven bundles of the Writs of the same King Edward, son of King Edward. Item, five bags and one black bag with divers Memoranda of the same King Edward, son of King Edward. Item, forty-one Rolls of Charters of the time of King Edward the Third, viz. from the first year to the twenty-fourth year, and of the same, of every year one Roll; of the twenty-fifth, twenty-sixth, and twenty-seventh years, one Roll only; of the twenty-eighth year, and thenceforwards unto the thirty-third year, and of the same, of every year one Roll; of the thirty-fourth and thirty-fifth years, one Roll only; of the thirty-sixth, thirty-seventh, and thirty-eighth years, of every year, one Roll; of the thirty-ninth and fortieth years, one Roll only; of the forty-first year, one Roll; of the forty-second, one Roll; of the forty-third, forty-fourth, and forty-fifth, one Roll only; of the forty-sixth, one Roll; of the forty-seventh, forty-eighth, forty-ninth, fiftieth, and fifty-first, one Roll only. Item, one hundred and twenty-eight Rolls of Patents of the same King Edward III. viz. of the first year, three Rolls; of the second, third, and fourth, of every year two Rolls; of the fifth year, three Rolls; of the sixth year, three Rolls; of the seventh, eighth, ninth, and tenth years, of every year, two Rolls; of the eleventh year, three Rolls; of the twelfth year, three rolls; of the thirteenth year, two Rolls; of the fourteenth year, three Rolls; of the fifteenth year, three Rolls; of the sixteenth year, three Rolls; of the seventeenth year, two Rolls; of the eighteenth year, two Rolls; of the nineteenth year, and thenceforwards unto the thirty-first year, and of the same, of every year three Rolls; of the thirty-second year, two Rolls; of the thirty-third, thirty-fourth, and thirty-fifth years, of every year three Rolls; of the thirty-sixth year, and thenceforwards unto the fifty-first year, and of the same, for every year two Rolls; and of the forty-fourth, three Rolls. Item, fifty-three Rolls of Fines of the same King Edward III. viz. from the first year unto the fifty-first year, and of the same, of every year one

Roll; and of the twentieth and twenty-third years, of every year, two Rolls. Item, seventy-two Close Rolls of the same King Edward III. viz. of the first year, two Rolls; of the second, third, and fourth, of every year one Roll; of the fifth year, two Rolls; of the sixth year, one Roll; of the seventh year, two Rolls; of the eighth, ninth, and tenth years, one Roll; of the eleventh year, two Rolls; of the twelfth year, three Rolls; of the thirteenth year, three Rolls; of the fourteenth year, two Rolls; of the fifteenth year, three Rolls; of the sixteenth year, and thenceforwards unto the twenty-fourth year, and of the same, of every year two Rolls; of the twenty-fifth year, and thenceforwards unto the fifty-first year, and of the same, of every year one Roll; and of the fiftieth year, two Rolls. Item, fifty-two Rolls of Vascony of the same King Edward III. viz. from the first to the fifty-first year, and of the same, of every year one Roll; and of the thirty-second year, two Rolls. Item, forty-two Rolls of France of the same King Edward III. viz. from the sixteenth unto the fifty-first year, and of the same, of every year one Roll; and of the nineteenth, twentieth, twenty-first, and thirty-third, of every year, two Rolls. Item, forty-seven Rolls of Scotland of the same King Edward III. viz. from the first year to the fifty-first year, and of the same, except the third, fourth, fifth, and sixth years, of which there are no Rolls, of every year one Roll. Item, thirty-three Rolls of Parliament and Ordinance of Parliament. Item, twenty-one Rolls of Rome, six Rolls of Germany, twenty Rolls of Reddisseins, and forty-two Rolls of Liberate, of the same King Edward III. Item, sixty-four bundles of Escheats of the same King Edward III. viz. from the first year unto the twenty-second year, and of the same, of every year one bundle; of the twenty-third year, three bundles; of the twenty-fourth year, two bundles; of the twenty-fifth year, one bundle; of the twenty-sixth year, one bundle; of the twenty-seventh, twenty-eighth, and twenty-ninth years, of every one, two bundles; of the thirtieth year, and thenceforwards to the thirty-fourth year, and of the same, of every one, one bundle; of the thirty-fifth year, three bundles; of the thirty-sixth year, three bundles; of the thirty-seventh year, two bundles; of the thirty-eighth year, and thenceforwards unto the fifty-first year, and of the same, of every year one bundle; and of the forty-third and forty-ninth, of each two bundles. Item, fifty-six bundles of Inquisitions of the same King Edward III. viz. of the first year, two bundles; of the second year, one bundle; of the third year, two bundles; of the fourth year, one bundle; of the fifth year, two bundles; of the sixth year, and thenceforwards to the twenty-fifth year, and of the same, of every year one bundle; of the twenty-sixth year, two bundles; of the twenty-seventh year, two bundles; of the twenty-eighth year, and thenceforwards to the fifty-first year, and of the same, of every year one bundle. Item, fifty bundles of Records of the same King Edward III. viz. from the third year to the fifty-first year, and of the same, viz. of every year, one bundle; and of the forty-first year, two bundles. Item, forty-eight bundles of Statutes Merchants of the

same King Edward III. viz. from the first year to the fifty-first year, and of the same, of every year one bundle; except the second, fourth, and fifth, of which there are no bundles. Item, eighty-two bundles of Letters of Privy Seal of the same King Edward III. viz. of the first year, two bundles; of the second, third, fourth, and fifth years, of every one, one bundle; of the sixth year, two bundles; of the seventh year, two bundles; of the eighth year, one bundle; of the ninth year, two bundles; of the tenth, eleventh, and twelfth years, of every one, one bundle; of the thirteenth, two bundles; of the fourteenth, three bundles; of the fifteenth, two bundles; of the sixteenth, one bundle; of the seventeenth, eighteenth, nineteenth, and twentieth years, of every one, two bundles; of the twenty-first, three bundles; of the twenty-second, three bundles; of the twenty-third, three bundles; of the twenty-fourth, and thenceforwards unto the thirty-fourth, and of the same, of every year two bundles; of the thirty-fifth, and thenceforwards unto the fifty-first year, and of the same, of every year one bundle; and of the fortieth and forty-fourth years, of every one, two bundles. Item, eighty-five bundles of Writs of the same King Edward III. viz. of the first year, two bundles; of the second, third, and fourth, of every one, one bundle; of the fifth, sixth, and seventh years, of every one, two bundles; of the eighth, ninth, and tenth, of every one, one bundle; of the eleventh year, two bundles; of the twelfth year three bundles; of the thirteenth year, three bundles; of the fourteenth, fifteenth, and sixteenth years, of every one, two bundles; of the seventeenth year, three bundles; of the eighteenth, nineteenth, twentieth, twenty-first and twenty-second years, of every year, two bundles; of the twenty-third year, one bundle; of the twenty-fourth, twenty-fifth, and twenty-sixth years, of every one, two bundles; of the twenty-seventh year, one bundle; of the twenty-eighth, twenty-ninth, and thirtieth years, of every one, two bundles; of the thirty-first year, one bundle; of the thirty-second and thirty-third years, of every year, two bundles; of the thirty-fourth year, one bundle; of the thirty-fifth year, two bundles; of the thirty-sixth, thirty-seventh, thirty-eighth, and thirty-ninth, of every year, one bundle; of the fortieth year, two bundles; of the forty-first and forty-second years, of each one bundle; of the forty-third year, two bundles; of the forty-fourth, forty-fifth, and forty-sixth years, of every one, one bundle; of the forty-seventh, forty-eighth, forty-ninth and fiftieth years, of every one, two bundles; and of the fifty-first, one bundle; and one bundle of Certificates of Nessefeld. Item, four Rolls of Charters of the time of the King that now is, viz. of every year, one Roll. Item, fourteen Rolls of Patents of the same King that now is, viz. of the first year, six Rolls; of the second year, two Rolls; of the third year, three Rolls; and of the fourth year, three Rolls. Item, four Close Rolls of the same King that now is, viz. of every year one Roll. Item, five Rolls of Fines of the same King that now is, viz. of the first year, two Rolls; and of the second, third, and fourth years, of every one, one Roll. Item, five Rolls

of France of the same King that now is, viz. of the first year, two Rolls; and of the second, third and fourth, of every one, one Roll. Item, four Rolls of Vascony of the same King that now is, viz. of every year, one Roll. Item, four Rolls of Scotland of the same King that now is, viz. of every year, one Roll. Item, one Roll of Liberates and one Roll of Red-diseins of the same King that now is. Item, four bundles of Echeats of the same King that now is, viz. of every year, one bundle. Item, four bundles of Inquisitions of the same King that now is, viz. of every year, one bundle. Item, eight bundles of Writs of the same King that now is, viz. of every year two bundles. Item, four bundles of Writs of Privy Seal of the same Lord the King that now is, viz. of every year, one bundle. Item, (1) bundles of Records of the same King, that now is, viz. of every year, one bundle. Item, four bundles of Statutes Merchant of the same King that now is, viz. of every year, one bundle. Item, five Rolls of Parliament of the same Lord the King that now is, viz. of every year, one Roll; and of the second year, two Rolls. Item, very many other Rolls, Evidences, and Memoranda of the times of all the aforesaid Kings, which cannot here be lightly specified. In witness whereof to the parts of this indenture, the aforesaid William and John have alternately put their seals. Dated at London, the ninth day of September, in the fifth year of the reign of King Richard the Second after the Conquest.

*The Valor Ecclesiasticus.*—Page 353.

[The Compiler possesses a small octavo volume comprising twenty-one pages, entitled *Ecclesiastical Survey of the Possessions, Spiritual and Temporal, of the Bishop of Saint David's, taken in Pursuance of an Act of Parliament, in the twenty-sixth year of the Reign of King Henry the Eighth. Extracted from the Liber Regis in the First Fruits Office.* This survey was transcribed and translated from the original record by Mr. Caley in the year 1812, at the request of the present learned and venerable Bishop of Salisbury, who at that time occupied the see of St. David's. Three, or four, copies only of this document were printed.]

*Earliest Chancery Petitions, or Bills.*—Page 356, note 4.

[Since this note was written the Compiler has made some inquiries, which induce him to think that there still exist, amongst the Records at the Tower, many Petitions, or Bills, addressed to the Chancellor during the reigns of Edward I.

(1) *Sic.*



Edward II. and Edward III. similar to those addressed to that Judge during the reign of Richard II. selections from which have been printed. Upon a very slight research several documents of this description are stated to have been discovered, but only one of them has been seen by the Compiler. It is dated the thirty-eighth year of Edward III.

In the course of these inquiries the instructions given by Edward IV. to Robert Kirkeham, when he was appointed Master of the Rolls, were found on one of the Close Rolls; and an extract therefrom has been furnished to the Compiler, who, not recollecting ever to have seen it in print, considers it too interesting to the Equity antiquary not to be inserted in this place. He regrets only that he is not at the present moment in possession of the entire instructions. "And, over this, the King willed and commanded there and thanne that all manere maters, to be examyned and discussed in the Court of Chauncery, shuld be directed and determined accordyng to equite and conscience, and to the old cours & laudable custume of the same Court, so that if in any such maters any difficultie, or question of lawe, happen to ryse, that he herein take th'advis & counsel of sume of the Kynges justices; so that right & justice may be duely ministred to every man."—*Close Roll*, 7 Edw. IV. m. 12. dors.]

*Calendars of Chancery Proceedings.*—Page 384.

[It is well known that this work owes the estimation in which it is held to the Preface, which introduced it to the acquaintance of the juridical world, and the curious specimens of ancient Petitions, or Bills, which are prefixed to the two published volumes. Both the Preface and the specimens have been hitherto attributed to Mr. Bailey, whose name is affixed to the former, in the manner usual amongst authors. It seems, however, that the public here labours under some error, partly occasioned by the use which that gentleman has obligingly permitted the Record Board to make of his name, and partly, no doubt, by the circumstance that he appears, from the returns made to

Parliament, to have received a remuneration for his trouble in abstracting the Calendars in question, and preparing them for the press. (1) It has been already seen that a considerable portion at least of the ancient petitions and of the translation had been previously printed by Mr. Lysons. The following letter addressed by the same eminent writer to a distinguished member of the Antiquarian Society, and read at a meeting of that learned body on the 5th of December, 1816, affords some presumption that if he had not

(1) [The same returns to Parliament, which give the details of monies paid to Mr. Bayley, for "abstracting and preparing for printing Calendars to the Proceedings in Chancery: and collating and correcting with the originals, and abridging the same for the press:" contain some items touching the early Bills and the Preface, which are very satisfactory, inasmuch as they show that the Commissioners, with the liberality characteristic of a public Board, were resolved that the complaisance of the Editor, in allowing his name to be substituted for that of Mr. Lysons, should not go altogether unrewarded. For the gratification of the conscientious reader copies of some of these items are sub-joined.

*Monies paid to Mr. Bayley, Editor of the Calendars to the Proceedings in Chancery. Vol. I.*

"Collecting and arranging Bills and Petitions in Chancery, preparatory to making collections, &c. of examples for the first volume of this work, £45."

"Looking over the early Proceedings in Chancery, and making selections for the introductory part, and arranging the same for the press, £47 : 5s."

"Transcribing from original Records 393 folios, and examining the same for the press, £19 : 13s."

"Translating examples of ancient Bills and Petitions; 83 folios and examining the same for printing, £5 : 3s. 9d."

"Transcribing examples of early Proceedings in Chancery, 158 folios, £7 : 18s."

Collating with the originals the printed sheets of the introductory matter, £3 : 3s."

"Transcribing further examples of early proceedings in Chancery, for the introductory matter, 97 folios; and examining, £4 : 17s."

"Collecting, looking over and arranging the ancient Petitions, Bills, Answers, and other Proceedings in Chancery, from the reign of King Richard II. to that of Queen Elizabeth, inclusive; making selections therefrom to complete the introductory matter, and arranging and preparing the whole for the press, with notes and titles, and compiling preface, list of contents, &c. £210."

"Transcribing from the originals further examples of Proceedings in Chancery, to complete the introductory matter, 347 folios, and examining the same, £17 : 7s."—*Sessional Papers, House of Commons, Record Commission, 29 April, 1830.*]

the honour of printing, he must at least hereafter enjoy the merit of having composed all that is valuable in the Preface to the Calendars of Chancery Proceedings in the reign of Queen Elizabeth.

King's Bench Walk, 3rd December, 1816.

Dear Sir,

I send you, inclosed, copies of several of the earliest Bills, or Petitions, addressed to the Lord Chancellor, which have been discovered within the last few years in the White Tower, among the great mass of unsorted Records deposited there. These, I flatter myself, will not be uninteresting to the Society of Antiquaries, as they not only serve to throw considerable light on the origin and early proceedings of the Court of Chancery as a Court of Equity, but also show a good deal of the state of society during the troublesome reigns of Henry VI. and Edward IV.

Lord Chancellor Ellesmere, in his *Observations concerning the office of the Lord Chancellor*, states that there were no Petitions of the Chancery remaining in the Office of Records of elder time than the making of the statute of the 15th of Henry VI., which enacted that no writ of subpoena be granted till security should be found to satisfy the defendant for his damages and expenses, if the matter contained in the bill could not be made good; and he adds, that the most ancient to be found were of the 20th year of that king. It appears however, by the recent discoveries, that the proceedings in many hundreds of causes, for nearly fifty years antecedent to that year, are still extant, beginning with the 17th year of Richard II.; in which year a statute was made, by which it was enacted, that where the suggestions of the plaintiff in his bill were proved to be untrue, the Chancellor should be enabled to award costs and damages to the defendant, according to his discretion: and it is probable that the Bills of this 17th year of Richard II. are the first, which were regularly filed. Sir Edward Coke observes that on the Parliament Roll of this year is the first *Decree* in Chancery, which he had observed.

From these ancient proceedings, it appears that the chief business of the Court of Chancery, in those early times, did not arise from the introduction of uses of land, according to the opinion of most writers on the subject; very few instances of application to the Chancellor, on such grounds, occurring among the recorded proceedings of the Chancery, during the first five reigns after the equitable jurisdiction of the Court appears to have been fully established.

Most of the Petitions appear to have been presented in consequence of violent assaults and trespasses, and a variety of outrages, which were cognizable at common law, but for which the party complaining was unable to obtain redress, in consequence of the maintenance, or protection, afforded to his adversary by some powerful Baron, or by the Sheriff, or

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other officer. A few cases occur of frauds, which would at present be considered as proper subjects for a bill in equity.

For many years the practice of the Court appears to have been for the defendant to have been brought by subpoena before the Chancellor, who examined him *vivâ voce*: a memorandum in writing was made of the examination; after which the Chancellor pronounced his decree, which sometimes appears indorsed on the Bill.

In the reign of Richard II. all the Bills are in French; in that of Henry VI., except a few in the early part of it, they are in English. It is probable that they began to be written in that language in the reign of King Henry V., when the use of English in letters and other diplomatic papers appears to have commenced.

I remain, dear Sir,  
Your very obedient faithful servant,  
SAM. LYSONS.]

To . . .

*Manuscript Calendars of Chancery Proceedings, by Messrs.  
Hoole and Cossart. Page 384.*

[The preceding note renders it necessary to state that the Editor of the Calendars of Chancery Proceedings has assured the Compiler that that work has not been printed from a transcript of the office Calendars formed by Messrs. Hoole and Cossart. Mr. Bailey asserts that the published Calendars were framed by himself, with great labour, from the original Records: and that they are much more ample than the official Calendars.]

THE END OF VOL. I.

L O N D O N :

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